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INVENTORY OF THE COUNTY ARCHIVES
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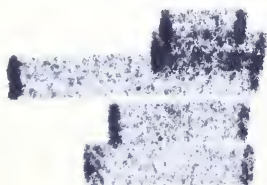
The Historical Records Survey *Indiana*
Division of Professional and Service Projects
Works Progress Administration

NO. 82. VANDERBURGH COUNTY
(EVANSVILLE)



The Historical Records Survey
Indianapolis
1939

**Allen County Public Library
Ft. Wayne, Indiana**



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FOREWORD

The Inventory of County Archives of Indiana is one of a number of bibliographies of historical materials prepared throughout the United States by workers on The Historical Records Survey of the Works Progress Administration. The publication herewith presented, an inventory of the archives of Vanderburgh County, is number 82 of the Indiana series.

The Historical Records Survey was undertaken in the winter of 1935-36 for the purpose of providing useful employment to needy unemployed historians, lawyers, teachers, and research and clerical workers. In carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local government, and which provide invaluable data for students of political, economic, and social history. The archival guide herewith presented is intended to meet the requirements of day-to-day administration by the officials of the county, and also the needs of lawyers, business men, and other citizens who require facts from the public records for the proper conduct of their affairs. The volume is so designed that it can be used by the historian in his research in unprinted sources in the same way he uses the library card catalog for printed sources.

The inventories produced by The Historical Records Survey attempt to do more than give merely a list of records—they attempt further to sketch in the historical background of the county or other unit of government, and to describe precisely and in detail the organization and functions of the government agencies whose records they list. The county, town, and other local inventories for the entire country will, when completed, constitute an encyclopedia of local government as well as a bibliography of local archives.

The successful conclusion of the work of The Historical Records Survey, even in a single county, would not be possible without the support of public officials, historical and legal

specialists, and many other groups in the community. Their co-operation is gratefully acknowledged.

The Survey was organized and has been directed by Luther H. Evans, and operates as a nation-wide project in the Division of Professional and Service Projects, of which Mrs. Florence Kerr, Assistant Administrator, is in charge.

F. C. HARRINGTON
Administrator.

PREFACE

The survey of local public records in Indiana was instituted on February 19, 1936, as a part of a nation-wide undertaking under the supervision of Dr. Luther H. Evans. Samuel J. Kagan, Archivist in the Indiana State Library, was assigned to lead the project as State Director. In the beginning the Survey was closely associated with the Federal Writers' Project. On September 23, 1936, The Historical Records Survey was nominally as well as factually made independent of the Writers' Project. In general, it has from its very inception acted as a separate and independent unit of Federal Project No. 1.

The inventory proper is preceded by a number of introductory essays to enlighten the reader concerning facts and events forming the background and basis of the records. The entries for the record series are carried in consecutive numbering for the county. The bureaus are arranged in functional order: Governing boards; major administrative offices; judicial offices; and financial, election, educational, health, public welfare, engineering, and other groups. Whenever applicable, natural groupings under separate headings are made within the bureau, and the entries are arranged thereunder also according to functional sequence. An extensive index will aid the reader to locate records with a minimum of inconvenience and effort.

The field work of the survey of Vanderburgh County records was begun on March 6, 1936, under the district supervision of Clarence P. Wolfe, of New Harmony, who was later succeeded by Esther Klingelhoef, of Evansville. The field workers were Carolyn Walker, Alma J. Glenn, Sylvester Turnham, and Sydney Kitchell, all of Evansville. It was completed on May 22, 1936. Many visits to the courthouse, however, have since been made by revisers to check and recheck the information contained herein, the final recheck having been made in August 1938, by Dwain Newcomb and William Sanders, of Evansville, under the supervision of Ralph E. Ross, of Vincennes.

The editing of this inventory has been conducted by an editorial staff, whose labors we deeply appreciate and wish to recognize forthwith: Harry A. Rider, Editor-in-Chief,

under whose supervision the final manuscript was prepared for publication; John R. Milligan, field supervision; Frank E. Ross, historical research; W. Davis Hamilton, legal research; Marshall Cowgill, final review of entries; Daus J. Summers, proofreading and indexing; and Fred S. Knodle, cartography. The housing report was compiled by Richard I. Nation.

The original survey was made and checked at the record depositories at the county-seat. The entries were compiled in the form of this inventory in the district office at Evansville. Of the industrious and painstaking devotion to his task of each and every person who had a part in the Survey we are keenly aware, and we regret that we cannot commend by name all those whose services have contributed to the publication of this volume.

The Survey is indebted to county officials; to the State Works Progress Administration; to John K. Jennings, State administrator; to Mildred E. Schmitt, Director of Professional and Service Projects, who has rendered the Survey a great personal service in the administering of the project; to Herbert P. Kenney, Director of the Legislative Bureau, who placed the facilities of the bureau at our command at all times; to Philip Zoercher, Chairman of the State Board of Tax Commissioners; and to Dr. Christopher B. Coleman, Director of the Indiana Historical Bureau, who has given technical service to the project and has helped in preparing this volume for publication.

Five hundred copies of this volume have been printed. Copies have been distributed without charge to state libraries, to various governmental offices, and other depositories throughout state and nation. Copies will also be distributed within the county, upon request, to all persons, public offices and institutions having occasion to use county records.

SAMUEL J. KAGAN

State Director, The Historical Records Survey

Indianapolis, Indiana

February 1939

THE HISTORICAL RECORDS SURVEY
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Samuel J. Kagan, State Director

DIVISION OF PROFESSIONAL AND SERVICE PROJECTS
Florence Kerr, Assistant Administrator
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VANDEBURGH COUNTY OFFICIALS
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CONTENTS

PART A. VANDERBURGH COUNTY AND ITS RECORDS SYSTEM

	Page
1. Historical Sketch	1
2. Governmental Organization and Records System	16
3. Housing, Care, and Accessibility of the Records	77
4. Bibliography	89
5. Abbreviations, Symbols, and Explanatory Notes	93

PART B. COUNTY OFFICES AND THEIR RECORDS

I.	Board of Commissioners	99
	Proceedings and reports. Bond issues. Bids and contracts. Claims and allowances. Public improvements. Coliseum records.	
II.	County Council	108
III.	Clerk of the Circuit Court	110
	Official bonds. Licenses and certificates: Marriage, Physicians, Dentists, Optometrists, Nurses, Commercial, Firearms, Hunting and fishing. Business associations. Military records. Miscellaneous. Receipts and disbursements. Maps.	
IV.	Recorder	121
	Entry of instruments for recording. Land transfers: Deeds and titles, Plats. Mortgage transactions: Real estate, Chattels, Releases. Liens. Military records. Business associations. Wills. Miscellaneous records. Fee and cash records.	
V.	Circuit Court	132
	Civil causes: Entry of causes, Original documents, Minutes, Orders, Judgments, Executions, Complete transcripts. Fee and cash records. Criminal causes: Entry of causes, Original documents, Criminal affidavits and indictments, Bonds, Minutes, Orders. Fee and cash records. Records common to all courts: Juries, Change of venue, Executions, Naturalization, Power of attorney, Appeal opinions, Bonds, Motions, Depositions, Fee and cash records.	

	Page
VI. Superior Court	148
Civil causes: Entry of causes, Original documents, Minutes, Orders, Judgments, Executions. Miscellaneous records: Juries, Depositions, Fee and cash records.	
VII. Probate Court	153
Estate and guardianship causes: Entry of causes, Wills, Original documents, Bonds, Inventories and sale bills, Minutes, Orders, Complete transcripts. Civil causes: Entry of causes, Original documents, Sanity and epileptic causes, Minutes, Orders, Judgments, Executions. Juvenile causes: Original documents, Minutes, Orders. Miscellaneous records: Juries, Fee and cash records.	
VIII. Sheriff	166
Service on writs. Executions on judgments. Jail records. Fee and cash records. Maps.	
IX. Coroner	171
X. Prosecuting Attorney	173
XI. County Assessor	177
Assessments. Maps.	
XII. County Board of Review	180
XIII. County Board of Tax Adjustment	183
XIV. Board of Finance	184
XV. County School Fund Board	185
XVI. Treasurer	188
Tax collections: Personal and real property, Inheritance tax, Intangible tax, Public improvements, Delinquents. Receipts and disbursements. Maps.	
XVII. Auditor	193
Audits and reports. Receipts and disbursements: General funds, Road and ditch funds, Poor funds. Taxes: Appraisements, Returns, Assessment lists, Exemptions, Delinquent and erroneous, Plats. School funds. Official bonds. Miscellaneous. Maps.	
XVIII. Registration Officer	205
XIX. Board of Primary Election Commissioners	207
XX. County Board of Canvassers	210
XXI. County Board of Election Commissioners	212
XXII. County Board of Education	216

CONTENTS

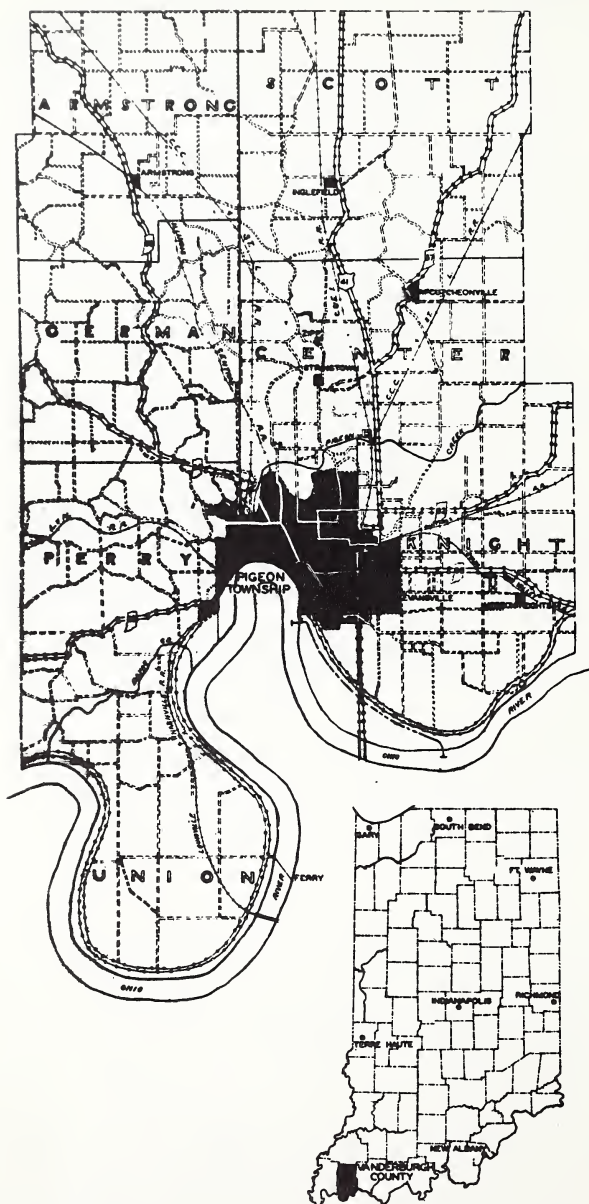
xiii

Page

XXIII.	County Superintendent of Schools	217
	Reports. Enumerations. Teachers. Pupils. Maps.	
XXIV.	County Health Officer	221
	Vital statistics.	
XXV.	County Department of Public Welfare	223
	Proceedings of the board. Old-age assistance.	
	Dependent children assistance. Blind assistance.	
	Claims and receipts.	
XXVI.	Surveyor	231
	Surveys. Drainage. Roads and bridges. Maps.	
XXVII.	County Highway Supervisor	234
XXVIII.	Miners' Examination Board	236
XXIX.	County Planning Commission	239
XXX.	County Agricultural Agent	240
	Reports. Claims. Maps.	
	Index	243

ILLUSTRATIONS

Vanderburgh County Courthouse, Evansville, Indiana ...	<i>Frontispiece</i>
Map of Vanderburgh County	xiv
Chart of Vanderburgh County Governmental Organization, 1939	20
Floor Plans, Vanderburgh County Courthouse	76, 78



MAP OF VANDERBURGH COUNTY

PART A. VANDERBURGH COUNTY AND ITS RECORDS SYSTEM

1. HISTORICAL SKETCH

Vanderburgh County, lying in southwestern Indiana, is extremely irregular in shape. On the east there is a projection of Warrick County, while on the south a bend of the Ohio extends nearly to the middle of the county. Vanderburgh has an area of 233 square miles, or 149,120 acres. It is bounded on the north by Gibson County, on the east by Warrick, on the south by the Ohio River, and on the west by Posey County.¹

In connection with the southern boundary of the county there has been considerable litigation between the State of Indiana and the Commonwealth of Kentucky. In April 1890, the Supreme Court of the United States determined that at Green River Island the boundary be the low-water mark on the north-west bank of the Ohio.² Further litigation was necessary to determine what had been the low-water mark in 1784, when Virginia ceded her claims to the United States Government.³ Unfortunately, the decision being applicable only to Green River Island, this left the door open to further dispute. On March 18, 1935, the revenue agent of the Commonwealth of Kentucky filed an original cause of action in the county court of Henderson County, Kentucky. In this suit, Kentucky sought to tax certain real estate lying north of the Ohio, upon which land was located the waterworks, owned and operated by the city of Evansville, Indiana. This city was served a summons at the waterworks, by the sheriff of Henderson County. After many delays, the court held that the summons had been improperly served. Nothing further being done by Kentucky, the court dismissed the case. The city of Evansville believes

¹ George Pence and Nellie C. Armstrong, *Indiana Boundaries: Territory, State and County*, 778 (*Indiana Historical Collection*, vol. 19). Indiana State Planning Board, *Preliminary Survey of County Planning Problems in Indiana Counties* (typewritten, 1935-36), Vanderburgh County section. *Year Book of the State of Indiana for the Year 1936* (1937), 887.

² 136 U. S. 479.

³ 159 U. S. 275. 163 U. S. 520. 167 U. S. 270.

that it will probably come up again and is prepared to prove that the occupants of the disputed area have always paid taxes in Indiana and that all deeds of conveyance relative thereto were recorded in Vanderburgh County.⁴

DRAINAGE AND TOPOGRAPHY

Although the great bend of the Ohio approaches the geographical centre of the county and is only thirteen miles from the northern boundary, the county has two distinct watersheds. A high ridge traversing Scott and German Townships, with a spur of lower land entering Perry Township, divides the region. The northwestern portion drains through Big Creek and its tributaries into the Wabash; the remainder of the county, by Bluegrass, Locust, and Little Creeks through Big Pigeon into the Ohio.

The Ohio River bottoms are from two to five miles wide. There are also wide bottoms along Pigeon and other creeks. The uplands of the county are somewhat broken and vary in altitude from 150' to 350' above low water in the Ohio.⁵

EARLY INDIANA

First occupied by the red men, the Ohio Valley became the battle ground of two great colonial powers, each with savage allies. The French entered the valley from New France and from Louisiana. The British fur traders, chiefly from Pennsylvania, pushed westward hundreds of miles beyond the settlers' frontier. France erected three important trading posts in Indiana: First, about 1715, "Post Miami" (Fort Wayne), at the head of the Maumee; second, about 1719 or 1720, a fort at Ouiatanon, on the Wabash, at the mouth of the Wea River, near Lafayette; and finally, before March 1733, a fort at Vincennes, on the lower Wabash.⁶ In the clash of empires

⁴ "A Summary of the Facts Involved in a Land Dispute between the State of Indiana and the Commonwealth of Kentucky. Prepared by Leo Warren, Assistant City Attorney, City of Evansville, Ind., December 6, 1938" (manuscript).

⁵ John Collier, "Geological Report on Vanderburg, Owen, and Montgomery Counties, Indiana," *Indiana Geological Report*, 1875, p. 241. *History of Vanderburgh County, Indiana* (1889), 17. John E. Iglehart, *An Account of Vanderburgh County from Its Organization*, 139 (Logan Esarey, *History of Indiana from Its Exploration to 1922*, vol. 3).

⁶ P. G. Roy, *Sieur de Vincennes Identified* (*Indiana Historical Society Publications*, vol. 7, no. 1). O. J. Craig, *Ouiatanon* (*Indiana Historical Society Publications*, vol. 2, no. 8). P. C.

(King George's War and the French and Indian War), France was defeated and forced, in 1763, to cede New France and all lands east of the Mississippi to Great Britain.

During the American Revolution, General George Rogers Clark conquered the western country in 1778 and 1779, and the Virginia legislature, in December 1778, erected the county of Illinois for the government of Virginia citizens residing on "the western side of the Ohio."⁷ After the Revolution, the Ohio Valley was claimed by several of the original colonies, who finally ceded their claims to the United States. By the Ordinance of 1787, Congress created the Northwest Territory for the government of the western country.⁸

A few months after the establishment of territorial government, Knox County, comprising Indiana and parts of Ohio, Michigan, Wisconsin, and Illinois, was created (1790).⁹ White settlers now swarmed into the west. Indiana became a separate territory in 1800 and a state in 1816.

The land of Vanderburgh County belonged mostly to the Piankashaw tribe—one of the constituent tribes of the Miami Confederacy, which had been formed to defend the Ohio Valley against the murderous raids of the Iroquois. The Mitchell map of North America, drawn in 1755, shows the Piankashaws dwelling on both sides of the Wabash. Subsequently the Miami allowed certain tribes to dwell upon Miami lands. Among these "permitted" tribes were the Delawares, some of whom occupied Vanderburgh County, and the Shawnees, who were allowed to hunt in southwestern Indiana.¹⁰

The earliest purchase of Vanderburgh County lands occurred in 1775. In that year, Louis Viviat, agent for the Wabash Land Company, bought from the Piankashaw all of what is now Vanderburgh County. The outbreak of the American Revolution prevented the company from occupying their lands. During the

Phillips, "Vincennes in its Relation to French Colonial Policy." *Indiana Magazine of History*, December 1921.

⁷ W. W. Hening, editor, *The Statutes at Large . . . of Virginia*, 9:552.

⁸ C. E. Carter, editor, *The Territorial Papers of the United States*, 2:39-50. *Laws N. W. Terr., 1788-1800*, pp. 123-30. John G. Rauch and Nellie Armstrong, *A Bibliography of the Laws of Indiana, 1788-1927*, introduction.

⁹ William H. Smith, editor, *The St. Clair Papers*, 2:166n.

¹⁰ Charles O. Paullin and John K. Wright, *Atlas of the Historical Geography of the United States* (1932), plate 89. *History of Vanderburgh County, Indiana* (1889), 30.

Revolution, although frequently petitioned (1780-82) Congress declined to recognize the Viviaat land claims.¹¹

By the treaty of Greenville, August 3, 1795, delineating the boundary between the Indian tribes and the United States, most of Indiana was reserved for the savages as their hunting grounds. Almost at once, however, the United States Government began constricting the lines of the Indian country, a policy which, as far as Vanderburgh County is concerned, terminated in 1804. On August 18 of that year, the Delawares relinquished by treaty "to the United States forever, all their right and title to the tract of country which lies between the Ohio and Wabash rivers, and below the tract ceded by the treaty of Fort Wayne, and the road leading from Vincennes to the falls of the Ohio." On August 27 the Piankashaw entered into a similar treaty.¹²

The savages left behind much evidence of their occupancy—chiefly mounds. These are not as numerous as those in some other Indiana counties but larger and more important. The Vanderburgh mounds resemble the celebrated Etowah earthworks of Georgia.¹³

WHITE SETTLEMENT

The first white men to visit Vanderburgh County were probably French soldiers or French fur traders, but it is also possible that this distinction belongs to British fur traders. Of the Pennsylvania trader it has been said that "he built his camp fires on the southern shores of Lake Erie, and drove his pack-horses over the Scioto. A few of the boldest hunted wild turkey on the Wabash."¹⁴ There was no permanent white settlement, however, for several years after the Indians yielded title to the land. Colonel Hugh McGary of Kentucky was probably the first permanent white settler. On March 16, 1812, he purchased from the United States Government the land upon which the city of Evansville now stands at two dollars an

¹¹ *Journals of the Continental Congress, 1780-82.* John B. Dillon, *A History of Indiana* (1859), 105 ff.

¹² "Treaties Between the U. S. and the Indian Tribes", *U. S. Statutes at Large*, 7:81-84. Charles J. Kappler, *Indian Affairs. Laws and Treaties*, 2:51-533 (printed as *U. S. Senate Document No. 452*, 57 Congress, 1 session).

¹³ Eli Lilly, *Prehistoric Antiquities of Indiana* (1937), 41-48.

¹⁴ Joseph S. Walton, *Conrad Weiser and the Indian Policy of Colonial Pennsylvania* (1900), 120, 152.

acre. This tract was patented to him, on April 16, under Vincennes Cash Certificate No. 529. Additional land was purchased there by McGary on June 18, 1814.¹⁵

Some months after the close of the War of 1812, Morris Birkbeck and Richard Flower, British subjects, began English emigration to what became Edwards County, Illinois. Birkbeck wrote two volumes dealing with the movement, which were issued in many editions: *Notes on a Journey in America from the Coast of Virginia to the Territory of Illinois* (Philadelphia, London, Dublin, and Cork, 1817) and *Letters from Illinois* (Boston, Philadelphia, and London, 1818).

Birkbeck, said the *Edinburgh Review*, revealed "in what manner the settled parts of America are increasing with unparalleled rapidity; and how new and extensive communities are daily created in the plains and the forests of the west, by the superfluous population of the eastern settlements."¹⁶ The books stirred the imagination of Great Britain and Britons swarmed across the Western Ocean to the New World. Among them was Saunders Hornbrook, Jr., who arrived in 1817 with a company of immigrants. Hornbrook rejected the terms offered by Birkbeck and Flower and settled instead in southwestern Indiana—in Evansville and in the northern part of what became Vanderburgh County. Many of these English aliens were naturalized by the circuit court.¹⁷

CREATION AND ORGANIZATION

Vanderburgh County, named for Henry Vander Burgh (1760-1812), was created by the Indiana General Assembly by an act approved January 7, 1818.¹⁸ Vander Burgh was a native of Troy, New York, who came to the Northwest Territory about 1788 and, in 1791, became justice of the peace and judge of probate for Knox County. Vanderburgh County was a part of Knox County from 1790 to 1813, was included in Warrick and Gibson Counties in 1813, and in Warrick, Gibson, and Posey from 1814 to 1818. With the organization of Warrick County in 1813, Colonel McGary presented the county with a hundred

¹⁵ Manuscript Tract Book, in the General Land Office, U. S. Department of the Interior, Washington, D. C.

¹⁶ Review of Birkbeck's *Notes on a Journey*, in *Edinburgh Review*, June 1818.

¹⁷ John E. Iglehart, "The Coming of the English to Indiana in 1817 and Their Hoosier Neighbors", *Indiana Magazine of History*, June 1919. Order Book, A: 249-50.

¹⁸ Acts 1817-18 (special), ch. 10.

acres of land, and Evansville became the first county seat. The formation of Posey County from western Warrick County (1814) left Evansville in the extreme southwestern corner of Warrick. As this was a bad location, the county seat was moved to another site, called Darlington.¹⁹ This left Evansville out of the picture and Colonel McGary became very bitter against Colonel Ratliff Boon, chief politician of Warrick County, who was personally interested in Darlington.

The origin of Vanderburgh has been told in a letter by General Joseph Lane (1801-81), later a soldier in the Mexican War and governor of Oregon. Young Lane was engaged in rafting logs from Darlington down the Ohio to Red Banks (now Henderson, Kentucky), where John J. Audubon, who subsequently became America's foremost ornithologist, ran a steam sawmill. One night, on returning upstream in his skiff, Lane camped near McGary's house and listened to McGary's tirade against Boon and his remarks upon "the ultimate greatness" of Evansville. Sometime later, Lane was employed in the clerk's office at Darlington. While there, he suggested to Boon that by creating a new county from portions of Warrick, Posey, and Gibson, Boon "would make many friends." Warrick would still be large enough to serve as Boon's personal bailiwick. The plan would eliminate McGary as Boon's rival. Boon saw merit in Lane's suggestion and Vanderburgh County, wrote Lane, "was formed so as to make McGary's town site fit in exactly."²⁰

The boundaries of the new county were described in the law:

"Beginning on the Ohio river where the range line dividing ranges eleven and twelve west, strikes the same, thence north with said range line to the centre of township four, south of Buckingham's base line, thence east through the centre of township four, south to the range line dividing ranges nine and ten west, thence south with the said range line to a line dividing township five and six south, thence east to the first section line in range nine, thence south with said section line to the Ohio river, thence down the Ohio river, with the meanders thereof, to the place of the beginning."²¹

¹⁹ Ernest V. Shockley, "County Seats and County Seat Wars in Indiana", *Indiana Magazine of History*, March 1914.

²⁰ Lane's letter, in *History of Vanderburgh County, Indiana* (1889), 101, 102.

²¹ Acts 1817-18 (special), ch. 10.

In January and February 1818, Governor Jonathan Jennings appointed the first county officials to serve until the next general election. Those commissioned were: John B. Stinson, sheriff (January 3, recommissioned on January 13); Joseph McAllister, coroner (January 28); John McCrery and William Wagnon, associate judges (February 28); and McGary, recorder (February 28).²² In accordance with an early state law, these and, in fact, all county officials, had to take oath that they "have neither directly nor indirectly gave, accepted or knowingly accepted or knowingly carried a challenge to any person or persons to fight in single combat, or otherwise with any deadly weapon, either in or out of this State since the twenty-ninth day of June 1816."²³ That the law was enforced is indicated by the fact that David Hart, first president judge of the Vanderburgh Circuit Court, was forced to resign because of a challenge he had given.²⁴

On March 9, 1818, James Anthony, David Brumfield, and George Sirkle met at the home of Colonel McGary in Evansville "and produced certificates of their haveing been duly Elected as commissioners for the county".²⁵ The board of commissioners continued, during the early months of the county's existence, to use McGary's house for the transaction of public business.²⁶ There, on March 1, the county commissioners received the state commissioners who had been chosen by the Indiana legislature to select a seat of justice for Vanderburgh County. The state commissioners announced that they had selected Evansville. Said they:

"In making this Selection we have pade respect to what we consider the local advantage of said county Although the Town of Evansville is not percisely the centre of Said county—Yet we find that although the Town of Evansville

²² Record Book A [Executive Proceedings of the Indiana State Government], January 3, 13, 28, and February 28, 1818. It is interesting to note that Stinson's first commission as sheriff was dated four days before Vanderburgh County was created by law, hence the necessity of a second commission.

²³ Acts 1816-17, ch. 39. This law arose from a determination upon the part of citizens to stamp out dueling in Indiana. The movement was on foot in other states as well.

²⁴ William Faux, *Memorable Days in America: Being a Journal of a Tour to the United States* . . . (London, 1823), 223.

²⁵ Commissioners' Record, A:1.

²⁶ Subsequently, in November 1818, McGary was allowed \$95 by the commissioners for furnishing "house room for the use of the different courts for Said County of Vanderburgh and county Services" (Commissioners' Record, A:32).

is on the Bank of the Ohio river yet from the bend of said river extending into the Said county much farther than the general course of the said river is wont to do that this Site is the most Eligible."²⁷

Furthermore, the proprietors of Evansville—McGary, Robert M. Evans (for whom Evansville was named), and James W. Jones—offered to the county as an inducement a donation of one hundred lots and \$500 in cash or material. In making the donation of land, McGary reserved one acre of land for a graveyard, the center of the acre "to begin at the Tombstone of Amandah F. McGary and to go an equal distance each way from said Tombstone."²⁸ Evansville is the only city in Indiana that has been the seat of justice of two counties.²⁹

Daniel Miller, town agent for Evansville, arranged for the sale of town lots on May 27 and 28, 1818. In his advertisement, the agent set forth that Evansville was "well known as a place of landing and deposit ... and certainly holds out a fairer project to become a considerable Commercial town, than any other in the western part of the state. —Merchants, Mechanicks and men of enterprize are particularly invited to ... judge for themselves."³⁰ Also, James Anthony, one of the county commissioners, advertised in exuberant terms a sale for May 29 of his quarter section at Pigeon Mill "on which is an excellent scite for Machinery ... I deem it unnecessary to expatiate on the advantages connected with this seat, but if the abundance of water which the Creek affords, its proximity to the Ohio and its sardonic or stony foundation does not equal the highest conception I lay myself liable to the severest animadversion ... "³¹

On March 10, 1818, the county commissioners divided Vanderburgh County into two townships, Pigeon and Armstrong. Subsequently, these townships were subdivided from time to time to form additional townships, as follows: Union, May 10, 1819; Scott, August 13, 1821; Perry, September 10, 1840; Knight, September 10, 1840; Center, September 6, 1843; and German, September 2, 1845.³²

²⁷ *Ibid.*, A:5-7.

²⁸ *Ibid.*, A:7-9, (Part B):51.

²⁹ Shockley, *loc. cit.*

³⁰ *The Western Sun & General Advertiser* (Vincennes), May 2, 9, and 16, 1818.

³¹ *Ibid.*, May 16, 1818.

³² Commissioners' Record, A:1, 2, 47; A (Part B) :59; E:249, 250, 544; F:177.

TAXATION

At their May session, in 1818, the county commissioners entered in their minutes the first schedule of taxes for Vanderburgh County:

"on first rate land twenty five cents pr hundred acres—on Second rate Eighteen and three fourths cents pr hundred acres—on third rate twelve and one half cents pr hundred acres—on each horse thirty seven and one half cent—on Stud horses once the rate they Stand at pr Season—on each Tavern fifteen dollars—on each Town lot in the town of Evansville fifty cents on each hundred dollars Valuation agreeable to the Lessors Returns."³³

For the years 1822, 1823, and 1824, the commissioners ordered that the tax on all property subject to taxation be "as high as the law will allow."³⁴ In 1825, the commissioners returned to the earlier practice of listing a detailed schedule of taxes in their minutes.³⁵

In collecting taxes, Vanderburgh County followed a curious but not unnatural custom. A state law made collectors of revenue responsible for the entire amount of taxes levied, even though the collector might be unable to obtain the funds from the assessed.³⁶ In some counties it was hard to induce citizens to serve as collector. Vanderburgh County filled the office regularly without difficulty. The explanation is indicated by an item recorded in the commissioners' minutes in January 1827: "Ordered that James Newman Collector of Vanderburgh County who returned into court a list of delinquencies amounting to the Sum of twenty nine dollars fifty nine & half cents, be allowed a credit on his settlement for collector for said sum."³⁷ A year later the commissioners allowed Alexander Johnson, collector, "until the next term to make Settlement."³⁸

³³ *Ibid.*, A:14.

³⁴ *Ibid.*, A (Part B) :89, 111, 139.

³⁵ *Ibid.*, 170.

³⁶ Revised Laws, 1824, ch. 86.

³⁷ Commissioners' Record, B:5. For a similar item in May 1833, see, D:71.

³⁸ *Ibid.*, B:43.

FERRY RATES

At their May session, in 1818, the commissioners entered in their minutes a schedule of ferry rates, in accordance with the statutes:

"for a man and Horse thirty seven and one half cents—for a Single man Eighteen and three fourth cents—Single Horse or cattle Eighteen and three fourth cents pr head—for each hog Sheep or goat Six and one fourth cent pr head—for each Waggon and team one dollar Seventy five cents—each two wheel carriage Eighty seven and one half cent."³⁹

TAVERN PRICES

A series of statutes, enacted by the general assembly in 1818, laid down the conditions under which taverns might operate in Indiana. No credit greater than \$5 was to be extended for liquor "except to travellers." Tavern keepers were likewise forbidden to sell or barter liquor on Sunday—"except to travellers"—on pain of a fine of \$3. The board of commissioners was ordered to fix tavern rates yearly.⁴⁰ In compliance with these laws the Vanderburgh County Commissioners, in May 1818, established the following tavern prices:

"for a meals Victuals twenty five cents horse feed twenty four hours fifty cents Single feed twelve and one half cents Lodging twelve and one half cents—whisky pr pint twelve and one half cents—Cherry bounce or Brandy Eighteen and three fourth cents pr half pint Rum twenty five cents pr half pint Gin Eighteen and three fourth cents pr half pint Cider twelve and one half cents pr quart—Porter twenty five cents pr quart Cideraged Eighteen and three fourth cents pr quart wine thirty seven and one half cents pr half pint Cogniac Brandy thirty seven and one half cents pr half pint."⁴¹

EARLY COURT SESSIONS

The first meeting of the Vanderburgh Circuit Court took place in the house of Colonel McGary in Evansville, on

³⁹ *Ibid.*, A:14. Acts 1816-17, ch. 29. Acts 1817-18 (general), ch. 45.

⁴⁰ Acts 1817-18 (general), chs. 5, 47, 57. Acts 1819-20, ch. 51, Acts 1820-21, ch. 36. Acts 1822-23, ch. 11.

⁴¹ Commissioners' Record, A:17.

February 23, 1818. The court appointed McGary clerk of the circuit court and John Law prosecuting attorney. Five persons, including Law, were admitted to the bar.⁴² At the second session of the court, in May 1818, the court distinguished itself by dismissing a cause on the ground that the writ did not have the seal of the court affixed thereto. At the time, the court had not yet procured a seal!⁴³ The outstanding episode in Vanderburgh County judicial procedure took place some months later. One George Wagon, son of Associate Judge William Wagon, had been indicted at the October term 1819 for assaulting Vicissimus K. Phar, constable, with an axe.⁴⁴ The case came up for trial in March 1820. The March term of court was scheduled to open on a Tuesday. The president judge, James R. E. Goodlett, was not due until Thursday. When the case was called on Tuesday, Prosecutor John Law suggested that the matter be delayed for two days inasmuch as the defendant was a son of one member of the court and the court might, therefore, feel some hesitancy in weighing the merits of the indictment. After conferring with his colleague a moment, Judge Wagon declared firmly that the court felt no delicacy whatever and dismissed the indictment, which he said was bad!⁴⁵

Judge Wagon was a thoroughly unscrupulous man and his selection as associate judge, says Elliott, was due, in part, to "his liberality in entertaining his political associates. He himself had frequently violated the laws that he was called upon to enforce, and continued to violate them with impunity after he assumed the duties of a judge."⁴⁶ Other judges of that day were likewise men of direct action. Wagon's colleague, President Judge Goodlett, assaulted his own successor, Judge Samuel Hall, while Hall was on the bench in Posey County. Hall sentenced him for contempt.⁴⁷ Goodlett was once indicted by a grand jury in his own court (1823) for wearing a sword cane. The two associate judges dismissed the indictment on the ground that it was predicated upon an unconstitutional law.⁴⁸

⁴² Order Book, A:1, 2.

⁴³ *Ibid.*, 3-5.

⁴⁴ Indictment, Vanderburgh Circuit Court, October Term, 1819, State of Indiana v. George Wagon, in Civil Cases Disposed [of], entry 135.

⁴⁵ Order Book, A:42, 45. *History of Vanderburgh County, Indiana* (1889), 330.

⁴⁶ Joseph P. Elliott, *History of Evansville and Vanderburgh County* (1897), 136.

⁴⁷ *History of Posey County, Indiana* (1886), 432-34.

⁴⁸ Order Book, A:279.

ELECTIONS AND APPOINTMENTS

Elections were often boisterous and occasionally illegal. In December 1819, the commissioners held court in the matter of a contested election for justice of the peace in Pigeon Township. It was established that nonresidents had been allowed to vote and that at noontime the judge and clerks absented themselves from the polling place for an hour and a half "for the purpose of dining." A new election was ordered.⁴⁹ In March 1822, the grand jury declared forthrightly that they

"do view with concern and regret a practice which both hitherto prevailed in said County of the candidates for the various offices treating electors and others with spiritous liquors for the purpose of obtaining their election which practice they conceive to be a public evil and subversive of republican principals [*sic*], having a tendency to corrupt the morals, and productive of habits which if they are permitted to be pursued will in the end destroy the pillars of the Government. They therefore think it a duty incumbent of them...to present the practice as derogatory to free men."⁵⁰

In addition to the elected county officials, many minor office holders were appointed by the county commissioners. In the minute books of the latter appear appointments of fence viewers,⁵¹ road viewers,⁵² salt inspectors,⁵³ flour, beef, and pork inspectors,⁵⁴ and tobacco inspectors.⁵⁵ The need

⁴⁹ Commissioners' Record, A (Part B):22, 23.

⁵⁰ Order Book, A:210.

⁵¹ State statutes provided for the enclosure of property with suitable fences. County commissioners were ordered to appoint fence viewers in order to enforce the laws. Acts 1817-18 (general), chs. 5 and 69.

⁵² The board of commissioners was required by law to appoint road viewers. Their duties were to inspect proposed roads, report to the commissioners whether the roads viewed were of public utility or not, and to lay out and mark such roads. Acts 1816-17, ch. 8. The roads were maintained by supervisors, assisted by all men residing in the district. The latter were called "hands." Commissioners' Record, B:20; C:5; D:2, 3.

⁵³ A state law authorized county commissioners to appoint inspectors to brand each barrel of salt according to its quality. Acts 1828-29 (general), ch. 37.

⁵⁴ An act, approved January 2, 1819, authorized the appointment by county commissioners of inspectors for the branding of all flour, beef, and pork in barrels. The law provided for inspectors' fees, and fixed penalties. Acts 1818-19, ch. 15.

⁵⁵ An early law of Indiana (December 27, 1816) ordered that all tobacco be inspected by

for tobacco inspectors arose from the fact that many of the settlers in Vanderburgh County came from the South Atlantic tidewater region. Naturally enough they brought with them the seed of cotton and tobacco. Both grew satisfactorily in the new country and for some years constituted the principal crop.

COUNTY ORDERS

Vanderburgh County was poor at first and, like other Indiana counties, issued county orders to cover operating expenses. The orders circulated as currency (often discounted), and many peculiar transactions occurred. In November 1826, the commissioners ordered "that Danl. Stinchfield be allowed the sum of two dollars and twenty five cents in lieu of an Order lost by said Stinchfield for the above Sum for services as a grand juror in the year 1822."⁵⁶ There were many similar instances. Orders at times sold for less than half their face value. In 1841, Willard Carpenter, John Burbank, and A. B. Carpenter held \$2,068.92 in county orders which had been issued for the building of bridges and other purposes. In 1858 there were \$21,471.24 in orders that were unpaid and drawing interest.⁵⁷

COUNTY INSTITUTIONS

There was no county almshouse in Vanderburgh County in the early years. Paupers were "farmed out" in the homes of citizens who were paid by the county. In November 1823, for example, the commissioners "Ordered that John B. Stinson be allowed the sum of forty eight dollars sixty two and half cents for keeping Benjamin Davis a pauper; being the balance in full of the sum for which Davis was sold & said Stinson became the purchaser."⁵⁸ The same system was used in disposing of lunatics, as evidenced by an item inscribed in the minutes of the commissioners in January 1827: "Ordered that Luke Wood be allowed the sum of Two dollars and fifty cents for Keeping Jane Thompson an insane person."⁵⁹

persons appointed by the board of commissioners. Tobacco, refused as unfit for marketing, was to be burned, unless the owner removed it from the warehouse "at his own risk", after paying all fees. Acts 1816-17, ch. 11.

⁵⁶ Commissioners' Record, B:1.

⁵⁷ Joseph P. Elliott, *op. cit.*, 114.

⁵⁸ Commissioners' Record, A (Part B):130.

⁵⁹ *Ibid.*, B:13.

An early state law provided that certain fines, penalties, and forfeitures should accumulate in each county to found and maintain county seminaries.⁶⁰ Subsequently, a law provided, wherever the seminary fund in any county amounted to \$400 that a suitable school building be erected.⁶¹ In Vanderburgh County, the fund rose to several thousand dollars and the officials loaned the fund out. In the spring 1844, the commissioners appointed John N. Kikendall to investigate the condition of the seminary fund. Kikendall's lengthy report, dated April 11, 1844, declared:

"... Yet strange as it may seem although the seminary fund of Vanderburgh County since in A. D. 1827 has been over the specified sum of \$400 this has been no action ... Neither by the votes of the county or by the board doing county business. I call the attention of the Board to these facts that they may now have such action upon subjects as its importance demands. This fund is now amply sufficient to purchase a suitable site and erect an elegant & suitable building for a public Seminary and the interest of rising generation truly demands that the fund should be devoted to its legitimate purpose rather than that should be loaned out for value of the interest arising therefrom."⁶²

The board was not, apparently, much impressed. Finally, a law directed the sale of all county seminary property in Indiana and the transfer of the proceeds to the common school fund.⁶³

By the act establishing Vanderburgh County, the general assembly ordered that ten percent of the proceeds from the sale of county-seat town lots should be reserved for the maintenance of a county library.⁶⁴ Very little is known about the county library in Vanderburgh but its existence is indicated by an item in the report of the county auditor for the year of June 1, 1848, to June 1, 1849, listing the expenditure of \$1,000 for its maintenance.⁶⁵

The first newspaper in Vanderburgh County was the *Evansville Gazette*, established in 1821. This paper was out of existence

⁶⁰ Acts 1822-23, ch. 63.

⁶¹ Rev. Laws 1831, ch. 90. Acts 1837-38, ch. 98.

⁶² Commissioners' Record, F:28-31.

⁶³ J Rev. Stat. 1852, ch. 97. W. J. Wakefield, "County Seminaries in Indiana," *Indiana Magazine of History*, June 1915.

⁶⁴ Acts 1817-18 (special), ch 10.

⁶⁵ Commissioners' Record, G:29.

from 1824 to 1834, during which period there was none published nearer than at Vincennes, which boasted of the *Western Sun & General Advertiser*.

TRANSPORTATION AND INDUSTRIES

The Wabash-Maumee Canal, also known as the Wabash and Erie Canal, enabled the operation of boats between Toledo, Ohio, and Evansville, Indiana. By 1851, boats were operating regularly and for some years the canal was of value to Vanderburgh County. It was abandoned generally about 1859 but still used occasionally as late as 1863.⁶⁶ The canal could not compete with the railroads that sprang up generally in Indiana in the 1840's and 1850's. Like other Indiana counties, Vanderburgh helped to finance the new form of transportation. In April 1849, the county voted, 624 to 288, to subscribe \$100,000 for stock of the proposed Evansville and Illinois Railroad Company.⁶⁷

At the present time, Vanderburgh County is traversed by five railroads: Chicago and Eastern Illinois, Illinois Central, Louisville and Nashville, New York Central, and the Southern. In addition to the railroads, there is a number of bus routes and trucking services. Several main highways pass through the county.

In the county are found quantities of petroleum, sand, gravel, coal, limestone, clay, and shale. There were 80 producing oil wells in 1935.⁶⁸ A considerable quantity of coal is mined in the county.⁶⁹ Iron ores are found in the shale and in coal seams, but not enough to be of commercial importance.⁷⁰

One of the oldest commercial establishments in the county is Cook's Brewery, established in Evansville by Frederick Washington Cook in 1853. Manufactures include furniture, glass, veneer, steam shovels and dredges, gasoline engines, agricultural implements, flour, and refrigerators.

⁶⁶ A map of the canal appears on page 37 of the *Handbook of Indiana Geology* (1922).

⁶⁷ Commissioners' Record, G:23.

⁶⁸ Indiana State Planning Board, *Preliminary Survey of County Planning Problems in Indiana Counties* (typewritten, 1935-36), Vanderburgh County section.

⁶⁹ *Ibid.* *Year Book of the State of Indiana for the Year 1937* (1938), 646. George H. Ashley, "The Coal Deposits of Indiana," *Indiana Geological Report*, 1898. See also Ashley's "Supplementary Report on the Coal Deposits of Indiana," *Indiana Geology Report*, 1908.

⁷⁰ Charles W. Shannon, "The Iron Ore Deposits of Indiana," *Indiana Geological Report*, 1906.

POPULATION

In 1840 Vanderburgh County had a population of 6,256. This figure increased as follows: 1890, 59,809; 1920, 92,293; 1930, 113,320.⁷¹ The sharp rise in the past two decades is due to the rapid growth of the city of Evansville.

FLOOD

The greatest natural disaster in the history of southern Indiana occurred in January 1937, when the Ohio overflowed vast areas of Vanderburgh County. Evansville and the lowlands were inundated. The damage to Evansville alone was estimated at \$16,815,000. For weeks troops patrolled the area and business firms were not allowed by the military to resume operations until early in February when refugees began returning to their homes.⁷²

⁷¹ *Compendium of the Enumeration of the Inhabitants and Statistics of the United States, as obtained . . . from the Returns of the Sixth Census: 1840, p. 82. Compendium of the Eleventh Census of the United States: 1890, Population, pt. 1:141. Fourteenth Census of the United States: 1920, Population, pt. 1, 413. Fifteenth Census of the United States: 1930, Population, 3:pt. 1:741.*

⁷² *Evansville Courier*, January 7 to February 8, 1937.

2. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

INTRODUCTION

HISTORICAL BACKGROUND

The county system of government is an inheritance from England and the American colonies, whence pioneers brought their customs and laws. Its beginnings in Indiana are found in the Ordinance of 1787, enacted by Congress for the government of the Territory of the United States Northwest of the Ohio River; in the act of Congress of May 7, 1800, creating Indiana Territory; and in the laws of the Northwest Territory, 1788-1800, and of the Indiana Territory, 1805-15, enacted by the territorial general assemblies.

In 1780, 1784, and 1786, New York, Virginia, Massachusetts, and Connecticut ceded to the United States their claims to all the land north of the Ohio River, comprising the present states of Indiana, Illinois, Michigan, Ohio, Wisconsin, and

part of the present state of Minnesota. This land became known as the Northwest Territory.¹

The ordinance of 1787 authorized the creation of counties by proclamation of the governor until the organization of the territorial general assembly, and thereafter by the latter;² which authority was continued by the act of Congress creating Indiana Territory.³

The governor of the Northwest Territory, by proclamation of June 20, 1790, created Knox County, embracing all of what is now Indiana (as well as parts of Illinois, Michigan, Ohio, and Wisconsin),⁴ which remained the only county in Indiana's governmental background until 1801.

By an act of May 7, 1800, effective July 4, 1800, Congress created Indiana Territory, embracing all of the Northwest Territory, except Ohio Territory. From July 4, 1800 until March 1, 1803, parts of the present Indiana counties of Dearborn, Franklin, Ohio, Randolph, Switzerland, Union, and Wayne belonged to Ohio Territory. From June 30, 1805 until April 19, 1816, parts of the present Indiana counties of Elkhart, La Grange, La Porte, Porter, St. Joseph, and Steuben belonged to Michigan Territory.⁵

Indiana, with its present boundaries, was admitted to the Union in 1816.⁶ The constitution of that year provided for the election in each county of a clerk of the circuit court,⁷ a recorder,⁸ a sheriff, and a coroner.⁹ All territorial laws not inconsistent with the constitution were continued in force until they expired or were repealed.¹⁰

Vanderburgh County, composed of lands which were previously parts of Gibson, Posey, and Warrick Counties, was created by act of the general assembly of January 7, 1818,

¹ Clarence E. Carter, editor, *The Territorial Papers of the United States*, 2:3 ff. Burns, vol. 1, 285-87.

² Laws N. W. Terr., Ordinance of 1787, p. 125; Burns, vol. 1, p. 288.

³ U. S. Public Statutes at Large, 2:58; Burns, vol. 1, p. 296.

⁴ William Henry Smith, editor, *St. Clair Papers*, 2:16n. George Pence and Nellie C. Armstrong, *Indiana Boundaries*, 21, 514, 515.

⁵ U. S. Public Statutes at Large, 2:58, 174; 3:289; Burns, vol. 1, p. 301. Pence and Armstrong, *op. cit.*, 11, 12, 138-43.

⁶ U. S. Public Statutes at Large, 3:289, 399; Burns, vol. 1, p. 301-5.

⁷ Const. 1816, art. 5, sec. 8.

⁸ *Ibid.*, art. 11, sec. 10.

⁹ *Ibid.*, art. 4, sec. 25.

¹⁰ *Ibid.*, art. 12, sec. 4.

effective February 1, 1818.¹¹ The county seat was located at Evansville on March 11, 1818, where it has remained.¹²

The second constitution was adopted in 1851 and, with amendments, remains the present constitution of the state. The Revised Statutes of 1852, which became effective in 1853 as an official code, repealed, with certain specified reservations, all laws except those re-enacted in the code.¹³ No code of laws has been adopted by the general assembly since 1853.

SCOPE OF COUNTY GOVERNMENT

A county is an involuntary corporation, organized by the general assembly, the sovereign power, as a political subdivision of the state, solely for governmental purposes.

The county exercises the powers delegated by the state and acts for it. County officers are but agents of the state. The authority of the county and its officers and agents is limited to that expressly or impliedly conferred on them by the general assembly. Except as limited by the constitution, the general assembly has full power to create, modify, and abolish counties, and to prescribe their powers, governmental organization, and liabilities.¹⁴

Before the adoption of the present Constitution of 1851, the general assembly had full power to enact local or special laws concerning county matters, and many such laws were enacted; but the present constitution prohibits the enactment of local or special laws concerning several specified subjects affecting county organization and functions.¹⁵ The general assembly often passes laws applicable to counties and cities having a specified population and to counties containing cities of a specified population. Such laws are sometimes upheld¹⁶

¹¹ Acts 1817-18 (special), ch. 10, secs. 1-9. Pence and Armstrong, *op. cit.*, 778.

¹² Pence and Armstrong, *op. cit.*, 778. Commissioners' Record, A:5-7. See also Historical Sketch in Part A-1 of this book.

¹³ Const., art. 7, sec. 20. Acts 1851-52 (special and local), chs. 44, 63. 1 Rev. Stat. 1852, ch. 92. Acts 1853, ch. 105. Jones v. Cavins, 4 Ind. 305.

¹⁴ Gavin v. Board of County Comrs., 104 Ind. 201, 3 N. E. 846; Applegate v. Pettyjohn, 205 Ind. 122, 125, 185 N. E. 911; McDermott v. Board of County Comrs., 60 Ind. App. 209, 110 N. E. 237; Buck v. Indiana Const. Co., 79 Ind. App. 329, 138 N. E. 356.

Const., art. 6, sec. 10, provides: "The General Assembly may confer upon the boards doing county business in the several counties, powers of a local administrative character."

¹⁵ Const., art. 4, secs. 22, 23.

¹⁶ State ex rel. Hargrove v. Reitz, 62 Ind. 159; Campbell v. Indianapolis, 155 Ind. 186, 57

and sometimes held unconstitutional.¹⁷ Laws made applicable to localities having property of specified assessed valuation have been upheld.¹⁸ Sometimes, a law affecting county organization or functions provides that it shall become operative in any county when approved by the voters or the board of commissioners of that county. The offices and courts created by the constitution exist in every county, but there is variation as to offices, boards, agencies, and courts created by statute.

The officers for county government, provided for by the constitution, are the judge¹⁹ and the clerk²⁰ of the circuit court, prosecuting attorney,²¹ auditor, recorder, treasurer, sheriff, coroner, and surveyor.²² In addition, the general assembly has created²³ in Vanderburgh County these offices and boards: Agricultural agent, assessor, board of canvassers, board of commissioners, board of education, board of election commissioners, board of finance, board of primary election commissioners, board of review, board of tax adjustment, county council, county planning commission, department of public welfare, health officer, highway supervisor, miners' examination board, judge of probate court, registration officer, school fund board, superintendent of schools, and judge of superior court. All of these offices and boards are discussed separately in Part B of this book. A commission of public records and a magistrate's court were provided for by the general assembly in 1939, but these acts are not effective at the time of writing.²⁴

N. E. 920; *Bullock v. Robison*, 176 Ind. 198, 93 N. E. 998; *Wayne Twp. v. Brown*, 205 Ind. 437, 186 N. E. 841; *Crowe v. Board of County Comrs.*, 210 Ind. 404, 3 N. E. (2d) 76; *Meara v. Brindley*, 207 Ind. 657, 194 N. E. 351; *Groves v. Board of County Comrs.*, 209 Ind. 371; 199 N. E. 137; *Board of County Comrs. v. Crowe*, — Ind. —, 14 N. E. (2d) 907.

¹⁷ *Campbell v. Indianapolis*, 155 Ind. 186, 57 N. E. 920; *Rushville v. Hayes*, 162 Ind. 193, 70 N. E. 134; *Bumb v. Evansville*, 168 Ind. 272, 80 N. E. 625; *Kraus v. Lehman*, 170 Ind. 408, 83 N. E. 714; *Bullock v. Robison*, 176 Ind. 198, 93 N. E. 998; *Boberg v. Harlem*, 194 Ind. 310, 142 N. E. 705; *Heffelfinger v. Ft. Wayne*, 196 Ind. 689, 149 N. E. 555; *Heckler v. Conter*, 206 Ind. 376, 187 N. E. 878; *Crowe v. Board of County Comrs.*, 210 Ind. 404, 3 N. E. (2d) 76.

¹⁸ *Bruber v. State ex rel. Welliver*, 196 Ind. 436, 148 N. E. 481; *Board of County Comrs. v. Crowe*, — Ind. —, 14 N. E. (2d) 903.

¹⁹ Const., art. 7, secs. 1, 8, 9.

²⁰ *Ibid.*, art. 6, sec. 2.

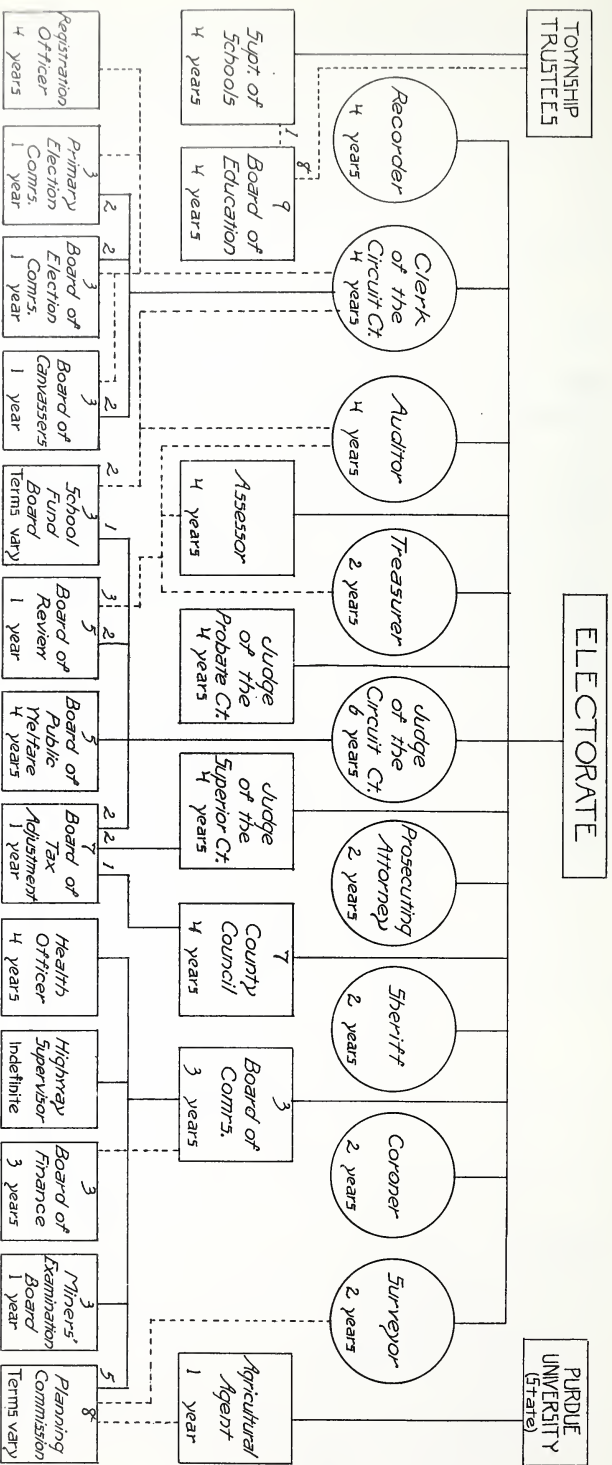
²¹ *Ibid.*, art. 7, sec. 11.

²² *Ibid.*, art. 6, sec. 2.

²³ *Ibid.*, secs. 3, 10. For statutory citations, see the legal status essays of these offices

in Part B of this volume.

²⁴ Acts 1939, chs. 91, 164.



Board of Tax Adjustment, selection of two members not indicated: One, the Mayor of Evansville or his appointee; one, a member of the board of school com's. of Evansville.

Planning Commission, selection of one member not indicated - a member of the Evansville city planning commission.

The township trustees and the superintendent of schools constitute the Board of Education.

Circles - constitutional officers. Squares - statutory officers. Figures - number of members and term of office. Solid lines - elected or appointed. Broken lines - ex officio.

CHART OF VANDERBURGH COUNTY GOVERNMENTAL ORGANIZATION, 1939

The constitution provides that no person shall be elected or appointed as a county officer who is not an elector of the county or who was not an inhabitant thereof "during one year next preceding his appointment";²⁵ that all county officers shall reside within their respective counties and shall keep their respective offices at such places therein and perform such duties as may be directed by law.²⁶ A county officer, within the meaning of these provisions, is a person by whom a county performs its usual functions of government.²⁷

Every officer and every deputy, before entering on his official duties, must take an oath that he will support the Constitution of Indiana and the Constitution of the United States and faithfully discharge the duties of his office.²⁸

Deputies may be appointed by the assessor,²⁹ registration officer,³⁰ auditor, clerk of the circuit court, superintendent of schools, coroner, prosecuting attorney, recorder, sheriff, surveyor, and treasurer; the appointing officer may require the deputy to give bond;³¹ and the deputies must take the oath required of their principals, may perform all the official duties of such principals, and are subject to the same regulations and penalties;³² and the principals are responsible for all the official acts of their deputies.³³

GENERAL ADMINISTRATION

From 1852 until 1899, the general administrative control of the county was vested in the board of commissioners, then and now consisting of three members elected for three-year terms.³⁴ The County Reform Law, enacted in 1899, created

²⁵ Const., art. 6, sec. 4.

County superintendent of schools and superintendent of county asylum are not county officers within the meaning of this provision. State ex rel. Osborn v. Eddington, 208 Ind. 160, 195 N. E. 92; State ex rel. Wickens v. Clark, 208 Ind. 402, 196 N. E. 234.

²⁶ Const., art. 6, sec. 6.

²⁷ State ex rel. Osborn v. Eddington, 208 Ind. 160, 195 N. E. 92.

²⁸ Const., art. 15, sec. 4. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

²⁹ Acts 1919; Burns 64-1102; Baldwin 15698.

³⁰ Acts 1933, 1935; Burns, 1938 suppl., 29-306; Baldwin, 1935 suppl., 7304.

³¹ Acts 1925; Burns 49-501; Baldwin 13106. Acts 1937; Burns, 1938 suppl., 49-1002; Baldwin, 1937 suppl., 7532.

³² 1 Rev. Stat. 1852; Burns 49-502; Baldwin 13109.

³³ 1 Rev. Stat. 1852; Burns 49-503; Baldwin 13110.

³⁴ 1 Rev. Stat. 1852; Burns 26-620; Baldwin 5236.

the county council, consisting of seven members elected for four-year terms, and transferred to the council many of the powers of a fiscal nature previously exercised by the board of commissioners.³⁵ Subject to the powers and duties of the county council, the board of commissioners still has general administrative control of county matters.³⁶

The county council has exclusive power: To fix the rate of taxation for county purposes, and for all purposes where the rate not fixed by law is required to be uniform throughout the county;³⁷ to make appropriations of money to be paid out of the county treasury (and no money can be drawn from the treasury without such appropriation, except in the instances specified hereinafter under the heading Fiscal Control);³⁸ to adopt the annual county budget;³⁹ to authorize the borrowing of money for the county;⁴⁰ and to authorize the sale, conveyance, or purchase by the county of real estate of the value of \$1,000 or more.⁴¹ The county council and the board of commissioners, acting together, perform the following duties: Approve the acceptance of lands given or devised to the county for the purpose of a public forest;⁴² hold hearings on, and reject or grant, petitions for the condemnation of school buildings as unfit for use, subject to appeal to the circuit or superior court;⁴³ determine, on proper petition, the order in which county highway projects shall be established and constructed, in the event two or more petitions for such projects are on file with the auditor at the same time;⁴⁴ and rebuild court-houses and jails destroyed by fire or windstorm, and issue bonds to defray the expense of same.⁴⁵

The board of commissioners is a body corporate and politic by the name and style of "The Board of Commissioners of the

³⁵ Acts 1899; Burns 26-501 to 26-551; Baldwin 5365 to 5414. See *Snider v. State ex rel. Leap*, 206 Ind. 474, 190 N. E. 178.

³⁶ 1 Rev. Stat. 1852; Burns 26-601 to 26-639; Baldwin 5215 to 5360.

³⁷ Acts 1899; Burns 26-515; Baldwin 5379.

³⁸ *Ibid.* Acts 1937; Burns, 1938 suppl., 26-521; Baldwin, 1937 suppl., 5385.

³⁹ Acts 1899; Burns 26-516 to 26-520; Baldwin 5380 to 5384.

⁴⁰ Acts 1929; Burns 26-532; Baldwin 5396. Acts 1933; Burns 26-1022; Baldwin 5397.

⁴¹ Acts 1899; Burns 26-534; Baldwin 5399.

⁴² Acts 1929; Burns 32-105; Baldwin 4879.

⁴³ Acts 1931; Burns 28-3001 to 28-3006; Baldwin 6143 to 6148.

⁴⁴ Acts 1931; Burns 36-327 to 36-331; Baldwin 8751 to 8755.

⁴⁵ Acts 1935; Burns, 1938 suppl., 26-2011; Baldwin, 1935 suppl., 5240-1.

County of Vanderburgh." ⁴⁶ In legal contemplation, the board is the county. ⁴⁷

CONTRACTS

The board of commissioners, as the general governing body of the county, is the agency entrusted with the making of contracts for the purchase of materials and supplies for all county offices, and for the construction of county buildings and other public improvements. ⁴⁸

In making contracts, the board is confined to "the powers expressly granted to it by the act of its creation, and to the implied powers incidental and necessary to the execution of such expressed powers and the performance of the duties enjoined upon it." ⁴⁹ The board cannot bind the county by any contract which is beyond the scope of its powers. ⁵⁰ While contracts made by the board are ordinarily in writing, the board may, in certain cases, bind the the county by parol contracts. ⁵¹

Though the statutes prescribing the methods of letting contracts vary in detail, their general features are fairly uniform. The board is usually required to prepare specifications of commodities to be purchased or work to be performed, together with plans, drawings, or models, if necessary, and to place these on file in the auditor's office for public inspection. Notice is then given by publication in newspapers of general circulation that the specifications are on file for examination and that sealed bids will be received. The board, after examining the bids submitted, is required to award the contract to the lowest responsible bidder, or, in some instances, the lowest and best bidder. ⁵² The right is usually reserved to the board, however, to reject any or all bids,

⁴⁶ 1 Rev. Stat. 1852; Burns 26-606; Baldwin 220.

⁴⁷ Dice v. County Board of Finance, 99 Ind. App. 405, 192 N. E. 770.

⁴⁸ Acts 1899, 1903, 1933; Burns 26-536, 26-537; Baldwin 5401, 5402. Acts 1907; Burns 26-2001 to 26-2009; Baldwin 5100 to 5108. Acts 1913, 1929, 1933; Burns 53-101 to 53-106; Baldwin 14079 to 14083.

⁴⁹ Hight v. Board of County Comrs. 68 Ind. 575, 577.

⁵⁰ Driftwood Turnpike Co. v. Board of County Comrs., 72 Ind. 226; Board of County Comrs. v. Bradford, 72 Ind. 455.

⁵¹ McCabe v. Board of County Comrs., 46 Ind. 380; Board of County Comrs. v. Ritter, 90 Ind. 362.

⁵² The courts have held that provisions of this nature vest some discretion in the board in determining the bidder to whom the contract shall be awarded. Ness v. Board of County Comrs., 178 Ind. 221, 98 N. E. 33; Eigenmann v. Board of County Comrs., 53 Ind. App. 1, 101 N. E. 38.

if unsatisfactory, and readvertise for new bids. Contracts cannot be made unless money has been already appropriated by the county council for the particular purpose involved.⁵³

As a rule, the time for performance of a contract may extend beyond the official terms of the county commissioners, if the contract is made in good faith.⁵⁴ A contract employing an attorney is an exception to this rule.⁵⁵

ACTIONS

Ordinarily, an action for or against the county is brought by or against the board of commissioners.⁵⁶ An action to recover money from the county cannot be maintained until a claim therefor has been presented to the board of commissioners and disallowed in whole or in part; but the complaint in such suit need not allege such presentation and disallowance, this being a matter of defense.⁵⁷ If the allowance of a claim was illegal, unwarranted, or unauthorized, the board of commissioners may sue to recover from the payee the amount paid. If the board does not bring such suit within 60 days after such allowance, any taxpayer may demand such suit; and if such demand is refused, the taxpayer may sue for the county.⁵⁸ If money is illegally paid out of the county treasury, suit to recover same from the payee may be maintained in the name of the state on the relation of the board of commissioners or the officer making disbursement. If such suit is not brought within 30 days, any citizen or taxpayer may make written demand on the board of commissioners to bring such suit; and if the board fails or refuses to do so, he may bring suit in the name of the state on his own relation.⁵⁹

The board of commissioners, as relator, may sue, in the

⁵³ Acts 1899; Burns 26-525, 26-527; Baldwin 5389, 5391.

⁵⁴ Board of County Comrs. v. Shields, 130 Ind. 6, 29 N. E. 385; Jessup v. Hinchman, 77 Ind. App. 460, 133 N. E. 853.

⁵⁵ Board of County Comrs. v. Taylor, 123 Ind. 148, 23 N. E. 752.

⁵⁶ 1 Rev. Stat. 1852; Burns 26-606; Baldwin 5220. Shilling v. State ex rel. Board of County Comrs., 158 Ind. 185, 62 N. E. 49.

⁵⁷ Acts 1879 (Spec. Sess.), 1885; Burns 26-820; Baldwin 5275. Bass Foundry & Mach. Works v. Board of County Comrs., 115 Ind. 234, 17 N. E. 593; Board of County Comrs. v. Tichener, 129 Ind. 562, 29 N. E. 32; Mueller v. Board of County Comrs., 73 Ind. App. 196, 127 N. E. 15.

⁵⁸ Acts 1897; Burns 26-811; Baldwin 5251. Sudbury v. Board of County Comrs., 157 Ind. 446, 62 N. E. 45.

⁵⁹ Acts 1899; Burns 26-545; Baldwin 5410.

name of the state, on official bonds to recover county funds.⁶⁰ The auditor, as relator, may sue, in the name of the state, to recover money owing to the county.⁶¹

The treasurer sues in his name, as treasurer, to collect property taxes.⁶² Suit to collect inheritance taxes is brought in the name of the county.⁶³ After a claim therefor has been disallowed by the board of commissioners, the taxpayer may sue the board of commissioners to recover taxes illegally assessed or collected.⁶⁴

Land needed by the county for public buildings,⁶⁵ highways, bridges, culverts,⁶⁶ drainage, sewers,⁶⁷ or airports⁶⁸ may be acquired by the county under its power of eminent domain. The board of commissioners, after examining and surveying the land and attempting to purchase it, adopts a resolution that the acquisition thereof is necessary for a specified purpose, and thereafter files a complaint, in the corporate name of the county, in the circuit, superior or probate court.⁶⁹ Notice is given to the owner, appraisement is made, and hearing is had before the court. The court condemns the land and determines the value thereof, and the value is paid, on order of the board of commissioners, by warrant drawn by the auditor on the treasurer. The clerk of the court, as directed by the court, executes a deed to the county and delivers it to the board of commissioners.⁷⁰

⁶⁰ Acts 1881 (Spec. Sess.); Burns 2-203; Baldwin 18. *Graham v. State ex rel. Bd. of County Comrs.*, 66 Ind. 386; *Shilling v. State ex rel. Board of County Comrs.*, 158 Ind. 185, 62 N. E. 49.

⁶¹ 1 Rev. Stat. 1852; Burns 49-3017; Baldwin 5431. *Vanarsdall v. State ex rel. Watson*, 65 Ind. 176; *Demarest v. Holdeman*, 157 Ind. 467, 62 N. E. 17.

⁶² Acts 1932 (Spec. Sess.); Burns 64-1511; Baldwin 15754.

⁶³ Acts 1931; Burns 6-2415; Baldwin 15953.

⁶⁴ Acts 1919; Burns 64-2819; Baldwin 15881. Acts 1923; Burns 64-2824; Baldwin 15884. *Cody v. Board of County Comrs.*, 204 Ind. 87, 183 N. E. 404; *Board of County Comrs. v. Millikan*, 207 Ind. 142, 190 N. E. 185.

⁶⁵ Acts 1899; Burns 26-2101; Baldwin 5109.

⁶⁶ Acts 1919; Burns 36-303; Baldwin 8861. Acts 1935; Burns, 1938 suppl., 36-711; Baldwin, 1935 suppl., 8861-1.

⁶⁷ Acts 1937; Burns, 1938 suppl., 26-640; Baldwin, 1937 suppl., 5236-1.

⁶⁸ Acts 1920 (Spec. Sess.); Burns 14-302; Baldwin 7991.

⁶⁹ Acts 1906; Burns 3-1701; Baldwin 14061. Acts 1905, 1935; Burns, 1938 suppl., 3-1702; Baldwin, 1935 suppl., 14062. Acts 1899; Burns 26-2101; Baldwin 5109. Acts 1919; Burns 4-3010; Baldwin 1811.

⁷⁰ Acts 1905, 1935; Burns, 1938 suppl., 3-1703, 3-1706; Baldwin, 1935 suppl., 14063, 14066. Acts 1905; Burns 3-1704, 3-1705, 3-1707 to 3-1712; Baldwin 14064, 14065, 14067 to 14072. Acts 1899; Burns 26-2102 to 26-2106; Baldwin 5110 to 5114.

The action of mandamus may be brought against any county officer to compel the performance of any act which the law specifically enjoins, or any duty resulting from his office or trust.⁷¹ For example, mandamus lies to compel: The auditor to draw warrants on the county treasury;⁷² the board of commissioners to take action on claims that have been properly presented,⁷³ to approve official bonds,⁷⁴ and to repair or rebuild bridges;⁷⁵ the county council to make appropriations.⁷⁶

In some instances, a county officer can be enjoined from acting illegally. Some of the acts prevented by injunction are: Collection of illegal taxes;⁷⁷ commission of illegal acts that would increase taxes;⁷⁸ payment of illegal claims;⁷⁹ making an illegal contract.⁸⁰

The county is not liable for damages resulting from the acts or omissions of its officers, except where such liability is imposed or permitted by statute.⁸¹

Failure of the county council to make appropriation for the debt or demand constituting the subject-matter of the suit does not prevent maintenance of the suit or recovery of judgment.⁸² No judgment against a county is enforceable except out of moneys appropriated by the county council for that purpose; but, by mandamus proceedings against the county council, board of commissioners, and auditor, the county council may be compelled to make such appropriation.⁸³ When any judgment is obtained against the board of commissioners, the public property of the county is liable therefor; but the court rendering such judgment may, before issuing execution, allow a

⁷¹ Acts 1881 (Spec. Sess.), 1911; Burns 3-2202; Baldwin 1091.

⁷² Gill v. State ex rel. Board of County Comrs., 72 Ind. 266.

⁷³ Board of County Comrs. v. State ex rel. Reed, 179 Ind. 644, 102 N. E. 97.

⁷⁴ State ex rel. Taylor v. Board of County Comrs., 124 Ind. 554, 25 N.E. 10.

⁷⁵ State ex rel. Roundtree v. Board of County Comrs., 80 Ind. 478.

⁷⁶ Shelby County Council v. State ex rel. School of Shelbyville, 155 Ind. 216, 57 N. E. 712.

⁷⁷ Hobbs v. Board of County Comrs., 105 Ind. 575, 3 N. E. 236.

⁷⁸ State ex rel. Davis v. Board of County Comrs., 165 Ind. 262, 74 N. E. 1091.

⁷⁹ Warren Agri. Joint Stock Co. v. Barr, 55 Ind. 30. Cf. Bentley v. Board of County Comrs., 102 Ind. App. 533, 200 N. E. 499.

⁸⁰ Farris v. Jones, 112 Ind. 498, 14 N. E. 484.

⁸¹ State ex rel. Board of County Comrs. v. Board of County Comrs., 170 Ind. 595, 608, 85 N. E. 513.

⁸² Acts 1899; Burns 26-527; Baldwin 5391. Board of County Comrs. v. Pike Civil Twp., 168 Ind. 535, 81 N. E. 489.

⁸³ Acts 1899; Burns 26-528; Baldwin 5392.

reasonable time for the county to assess and collect a sufficient amount of revenue to pay and discharge such judgment.⁸⁴

It is the duty of the prosecuting attorney to superintend, on behalf of the county, all suits in which the county may be interested or involved,⁸⁵ including suits to collect taxes⁸⁶ or to recover tax penalties and forfeitures⁸⁷ and suits against officers or on their bonds.⁸⁸ The prosecuting attorney must make a report to the board of commissioners each month showing the causes in which he appeared in person or by deputy.⁸⁹

FINANCE

TAXATION

The power of taxation is inherent in the state, and is a legislative power limited only by the provisions of the constitution.⁹⁰ The constitution provides that "the general assembly shall provide, by law, for a uniform and equal rate of assessment and taxation; and shall prescribe such regulations as shall secure a just valuation for taxation of all property, both real and personal, excepting such only for municipal, educational, literary, scientific, religious, or charitable purposes, as may be specially exempted by law."⁹¹ This section applies only to a general assessment on property according to its value, and does not apply to excise or license taxes.⁹²

In Indiana, there are poll taxes, excise taxes, and property taxes. A poll tax is a tax assessed on the person. An excise tax is a tax on privileges, and includes taxes on occupations, inheritance, sale of gasoline, and the like. Laws

⁸⁴ 1 Rev. Stat. 1852; Burns 26-803; Baldwin 5253.

⁸⁵ 2 Rev. Stat. 1852; Burns 49-2504; Baldwin 5460.

⁸⁶ Acts 1931; Burns 6-2415; Baldwin 15953. Acts 1937; Burns, 1938 suppl., 16-320; Baldwin, 1937 suppl., 3811-4. Acts 1919; Burns 64-719, 64-1519; Baldwin 15633, 15773. Acts 1932 (Spec. Sess.); Burns 64-1511; Baldwin 15574. Acts 1933, 1937; Burns, 1938 suppl., 64-2628; Baldwin, 1937 suppl., 16009.

⁸⁷ Acts 1919; Burns 64-608, 64-1319, 64-2208; Baldwin 15576, 15723, 15815.

⁸⁸ Acts 1917; Burns 60-227; Baldwin 13878.

⁸⁹ Acts 1933; Burns 49-2695; Baldwin 7550.

⁹⁰ State ex rel. Goodman v. Halter, 149 Ind. 292, 47 N. E. 665; Dunn v. Indianapolis, 208 Ind. 630, 196 N. E. 528; Miles v. Department of Treasury, 209 Ind. 172, 199 N. E. 372.

⁹¹ Const., art. 10, sec. 1.

⁹² State Bd. of Tax Comrs. v. Jackson, 283 U. S. 527, 75 L. Ed. 1248, 51 Sup. Ct. 540; Miles v. Department of Treasury, 209 Ind. 172, 199 N. E. 372; Davis v. Sexton, 210 Ind. 138, 200 N. E. 233.

imposing excise taxes are sometimes called "internal revenue laws." The property tax is the tax on real and personal property based on value, and it constitutes the largest part of the county revenue. Property may be subject to an excise tax and also a property tax.

A poll tax is assessed on every male inhabitant of this state between the ages of 21 and 50 years, and every person must be listed for his poll tax in the township, town, or city of his residence.⁹³ Poll tax exemptions are allowed to the following persons: Firemen,⁹⁴ militiamen, soldiers, and sailors,⁹⁵ and persons exempted by the county commissioners because of inability to pay.⁹⁶ The auditor certifies to the city officials the number of taxable polls therein.⁹⁷ Poll tax is collected by the county treasurer. A poll tax receipt must be presented to any licensing authority to obtain a license.⁹⁸

The tax on financial institutions is an excise tax⁹⁹ (in lieu of all other taxes) on banks, trust companies, and building and loan associations. It is administered by the county auditor and county treasurer under the supervision of the state board of tax commissioners.¹⁰⁰

The inheritance tax is an excise tax administered by the county assessor and the county treasurer, under the supervision of the state board of tax commissioners, and by the probate court. Schedule must be filed with the court within 12 months after the death of decedent. Notice is given to the interested parties, the estate is appraised, and the court determines the amount of tax due. The court appoints the county assessor as the appraiser in every estate; and he appraises all property at the fair market value, as of the date of the transfer.¹⁰¹ The appraiser makes his report in duplicate, one copy to the court and one copy to the state board of tax commissioners.¹⁰²

⁹³ Acts 1919; Burns 64-102; Baldwin 12607.

⁹⁴ Acts 1933, 1935; Burns, 1938 suppl., 43-6134; Baldwin, 1935 suppl., 8227.

⁹⁵ Acts 1919, 1920 (Spec. Sess.), 1921, 1933; Burns 45-1210, 64-201; Baldwin 10917, 15518. Acts 1937; Burns, 1938 suppl., 64-220; Baldwin, 1937 suppl., 15515-1.

⁹⁶ 1 Rev. Stat. 1852; Burns 26-1207; Baldwin 5336.

⁹⁷ Acts 1905, 1911; Burns 48-8708; Baldwin 11516.

⁹⁸ Acts 1931; Burns 42-102 to 42-105; Baldwin 10499 to 10501, 10503.

⁹⁹ Lutz v. Arnold, 208 Ind. 480, 193 N. E. 840.

¹⁰⁰ Acts 1933; Burns 64-801 to 64-834; Baldwin 15582 to 15615.

¹⁰¹ Acts 1931, 1933; Burns 6-2408; Baldwin 15946. Acts 1931, 1933, 1937; Burns, 1938 suppl., 6-2407; Baldwin, 1937 suppl., 15945. Acts 1919; Burns 4-3010; Baldwin 1811.

¹⁰² Acts 1931; Burns 6-2410; Baldwin 15948.

The treasurer collects the tax and issues receipt in duplicate, one copy of which is sent to the state board; and no final accounting of an estate is made until such receipt is countersigned by that board.¹⁰³ The treasurer must report quarterly all inheritance taxes received by him. All such collected taxes are transmitted by the county treasurer, by warrant issued by the county auditor, to the treasurer of state.¹⁰⁴ When directed by the court to do so, the prosecuting attorney sues to collect the tax.¹⁰⁵

The intangibles tax is a stamp tax (excise tax)¹⁰⁶ on notes, stocks, bonds, and other evidences of property interests or obligations for payment of money. This tax is administered by the county assessor¹⁰⁷ and the county treasurer, under the supervision of the state board of tax commissioners. Stamps are issued by the state board and sold by the county treasurer.¹⁰⁸ The taxpayer is required to file with his tangible personal property schedule an affidavit showing that he has complied with the intangibles tax law.¹⁰⁹ If the tax is not paid when due, it is entered on the tax duplicate of the county where the taxpayer resides or his property is located. Omitted property may be assessed by any officer of the county having authority under the general taxing laws to assess omitted property or by the state board of tax commissioners.¹¹⁰ In case of nonpayment, suit for collection may be brought by the prosecuting attorney or the attorney general.¹¹¹

The property tax laws are administered by the township assessor, county assessor, auditor, treasurer, board of review, county council, and board of tax adjustment, under the supervision of the state board of tax commissioners. The state board prescribes rules and regulations and advises with the subordinate tax officials. It makes original assessments of certain classes of property of railroads, telephone companies,

¹⁰³ Acts 1931; Burns 6-2413; Baldwin 15951.

¹⁰⁴ Acts 1931; Burns 6-2414; Baldwin 15952.

¹⁰⁵ Acts 1931; Burns 6-2415; Baldwin 15953.

¹⁰⁶ Lutz v. Arnold, 208 Ind. 430, 193 N. E. 840.

¹⁰⁷ Acts 1933; Burns 64-917; Baldwin 15915. Acts 1933, 1935; Burns, 1938 suppl., 64-906;

Baldwin, 1935 suppl., 15904.

¹⁰⁸ Acts 1933; Burns 64-924, 64-927; Baldwin 15922, 15925.

¹⁰⁹ Acts 1933; Burns 64-918; Baldwin 15916.

¹¹⁰ Acts 1933, 1935; Burns, 1938 suppl., 64-915; Baldwin, 1935 suppl., 15913.

¹¹¹ Acts 1933; Burns 64-921; Baldwin 15919.

and other public utilities,¹¹² and supervises and reviews assessments, appropriations, and levies of the subordinate tax officials.¹¹³

The principal steps in property taxation are assessment, budget, levy, and collection. The assessment is the determination of what property is taxable and the value thereof. The budget is the appropriation of money for expenditures for the next calendar year. The levy is the charging of a certain amount of taxes against each \$100 of assessed valuation to raise the money required for the budget. The collection involves the voluntary payment and also proceedings to compel payment.

In townships having a population not exceeding 5,000 (Armstrong, Center, German, Scott, and Union), the office of township assessor has been abolished, and the duties of such office are performed by the township trustee. Reference herein to the township assessor includes the township trustee performing the duties of township assessor.¹¹⁴

Assessment of real and personal property for county purposes also serves as the assessment for state, township, city, and town purposes.¹¹⁵ Personal property is assessed each

¹¹² The state board of tax commissioners assesses property of the following companies: Railroad, telephone, express, telegraph, sleeping car, pipe line, car equipment (tank, refrigerator, freight), and "public utility" (heat, light, water, power, elevator and warehouse service).

In case of railroads, the state board assesses the railroad track and the rolling stock. Local authorities assess personal property that has a fixed location and also real estate outside of the property denominated "railroad track."

The state board assesses the personal and intangible properties of the other specified companies. Their other property is assessed by local authorities.

Municipally owned utilities are assessed by the state board for state and county levies. Such utilities are not subject to township, school city, civil city, or other levies.

Car equipment companies pay a tax of two percent on their assessed value direct to the state department of treasury.

Except as to the car equipment companies, the assessment of the state board is certified to the county auditor who apportion it among the several townships, towns, and cities entitled to a levy thereon, and places such assessments on the tax duplicate; and thereafter the tax is collected by the county treasurer. Acts 1913, 1933; Burns 54-610 (d); Baldwin 14027. Acts 1919, 1921, 1923, 1932 (Spec. Sess.); Burns 64-703 to 64-740; Baldwin 15617 to 15654.

¹¹³ Acts 1919, 1920 (Spec. Sess.), 1921, 1923, 1925, 1927, 1931; Burns 64-1301 to 64-1338; Baldwin 15705 to 15737, 12490 to 12492, 12522, 12527. Acts 1935; Burns, 1938 suppl., 64-1313, 64-1321, 64-1324, 64-1325, 64-1351; Baldwin, 1935 suppl., 15717, 15725, 15728, 15729, 15735.

¹¹⁴ Acts 1933; Burns 64-1031; Baldwin 15604.

¹¹⁵ Acts 1919; Burns 64-2814; Baldwin 15877.

year as of the first day of March.¹¹⁶ Though real estate is not re-assessed every year (the old assessment remaining in effect until changed), the lien for taxes thereon dates from March 1.¹¹⁷ All property, real and personal, is required to be assessed at the true cash value thereof.¹¹⁸ Since personal property and real property are assessed differently, we shall discuss them separately, beginning with personal property.

Personal property must be listed for taxation between March 1 and May 15 each year, with reference to the quantity and quality owned on March 1.¹¹⁹ Each township assessor calls on the taxpayers and furnishes them with blanks for listing personal property. The taxpayer must list, under oath, all personal property held, possessed, or controlled by him, and state what he deems the true cash value of each item. Ordinarily the valuation of the taxpayer is accepted if it is in reason, but the assessor may fix a different valuation. If no list is given by the taxpayer or if the assessor doubts the correctness of the list, he may examine, under oath, the taxpayer and other persons concerning such property, and set down and assess to such person such amount of personal property as he may deem just.¹²⁰ If the taxpayer refuses to make a return or oath required by law, the assessor makes a note of such refusal, and the auditor adds 50 percent to the valuation returned by the assessor.¹²¹

After notice is given the taxpayer, omitted personal property may be assessed by the township assessor,¹²² county assessor,¹²³ auditor,¹²⁴ treasurer,¹²⁵ or board of review;¹²⁶ and appeal from such assessment may be taken to the circuit court, on the question of whether such omitted property is taxable.¹²⁷

¹¹⁶ Acts 1919; Burns 64-103, 64-401, 64-408; Baldwin 15516, 15524, 15531.

¹¹⁷ Acts 1919, 1920 (Spec. Sess.); Burns 64-2825; Baldwin 15886.

¹¹⁸ Acts 1919; Burns 64-103, 64-1009; Baldwin 15516, 15675. Acts 1937; Burns, 1938 suppl., 64-1019b; Baldwin, 1937 suppl., 15685.

¹¹⁹ Acts 1919; Burns 64-401; Baldwin 15524.

¹²⁰ Acts 1919; Burns 64-601 to 64-604, 64-610; Baldwin 15569 to 15572, 15578.

¹²¹ Acts 1919; Burns 64-610; Baldwin 15578.

¹²² Acts 1919; Burns 64-1025; Baldwin 15692.

¹²³ Acts 1919; Burns 64-1102; Baldwin 15698.

¹²⁴ Acts 1919; Burns 64-1402; Baldwin 15739.

¹²⁵ Acts 1919; Burns 64-2102; Baldwin 15803.

¹²⁶ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

¹²⁷ Acts 1919, 1927; Burns 64-2103; Baldwin 15804. This statement of the limitation on

The county assessor advises and instructs all township assessors in the county; and for this purpose, visits each township assessor during March and April of each year. The county assessor endeavors to cause uniformity and equality of assessment by the several township assessors. The county assessor and the township assessors may be removed by the state board of tax commissioners for incompetency or neglect of duty.¹²⁸

The board of review, after giving two weeks' notice, meets on the first Monday in June of each year. The board reviews the assessment of personal property, hears complaints of owners, reduces, increases or equalizes valuations, corrects and completes the tax lists, and assesses omitted property. Notice must be given by the auditor to the owner before the board of review assesses omitted property or raises valuations.¹²⁹ Any person dissatisfied with the decision of the board of review may appeal to the state board of tax commissioners. Hearings on such appeals are, when possible, held in the auditor's office in the county from which the appeal was taken. The amount fixed by the state board is the final assessment of such property.¹³⁰

The county auditor, on or before March 1 of each year, makes out and delivers to the township assessors lists of lands entered on the duplicates of the previous year, with notations thereon, showing all transfers made subsequent to the duplicate and all new entries of land not previously entered for taxation. In townships having a population of 35,000 or containing a city of the second class (Center, German, Knight, Perry, and Pigeon), the lists are made out by the township assessors and furnished to the auditor, who returns them to the assessors after making the tax duplicate.¹³¹ The county auditor makes plats of the several townships, showing ownership, improvements, and assessed valuation of the parcels therein. The township assessor writes on such plats the ownership and value of each plot of ground and the improvements thereon, and the plat is kept up with all current

the scope of the appeal was suggested by Philip Zoercher, chairman of state board of tax commissioners.

¹²⁸ Acts 1919, 1921; Burns 64-1001, 64-1102; Baldwin 15666, 15698.

¹²⁹ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

¹³⁰ Acts 1919, 1935; Burns, 1938 suppl., 64-1321; Baldwin, 1935 suppl., 15725. State board of tax commissioners, Tax Rule 6.

¹³¹ Acts 1919, 1937; Burns, 1938 suppl., 64-1007; Baldwin, 1937 suppl., 15672.

transactions and transfers.¹³² For taxation purposes, the auditor keeps a transfer book, arranged by townships, cities, and towns, showing description of all lands conveyed by deed or partition, names of parties, and post-office addresses of grantees. A fee of 10 cents is charged for each instrument so entered.¹³³ On the death of the owner, the heir or devisee may have a transfer made on the tax duplicate.¹³⁴

The township assessor is required to call on every person residing in his township for a list of lands subject to taxation owned by such person in such township. If such person fails to furnish such list within five days after being called on, as notified to do, the assessor may make the list according to the best information he can obtain, and the auditor must add 25 percent to the valuation of such lands as returned by the assessor.¹³⁵

Each township assessor must, on or before the first Monday in June in each year, make out and deliver to the auditor, in a book furnished by the auditor, a return of the real estate listed, containing the names of property owners, description, and value of each parcel as determined by the assessor from actual view.¹³⁶

The law provides that "re-assessment of real estate shall not be made oftener than every four years or in any year in which there is a general election held for the election of any state, county, or township officials, except upon the order of the state board of tax commissioners and as hereinafter provided." The last general re-assessment of real estate in Indiana was in 1932.¹³⁷

Each person charged with making assessment valuations for taxation is charged with the duty of correcting on the books errors as to description of property and name of owner. A notation is made showing any change of ownership since the last assessment. The township assessor each year, after giving notice to the occupant of the land or the resident of the county claiming ownership, assesses any real estate or improvements found omitted, and makes a return thereof to the county auditor as of the year when the same should have been

¹³² *Ibid.*

¹³³ Acts 1919; Burns 64-1409; Baldwin 15746.

¹³⁴ Acts 1921; Burns 64-519; Baldwin 14777.

¹³⁵ Acts 1919; Burns 64-1008; Baldwin 15674.

¹³⁶ Acts 1919; Burns 64-1016; Baldwin 15682.

¹³⁷ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1938 suppl., 64-1019; Baldwin, 1937 suppl., 15685.

first assessed.¹³⁸ The county assessor,¹³⁹ auditor,¹⁴⁰ treasurer,¹⁴¹ and board of review¹⁴² also have power to assess omitted property after giving notice. The auditor makes assessment of any newly platted additions to any city or town.¹⁴³ The assessments of omitted property by the township assessor, county assessor, auditor, and treasurer may be reviewed and revised at the next meeting of the board of review.¹⁴⁴ The decision of the board of review in reviewing such assessment or in making an original assessment of omitted property may be reviewed by the state board of tax commissioners in the manner provided for review of decisions concerning personal property, discussed above.¹⁴⁵ From any assessment of omitted property, appeal may be taken to the circuit court on the question whether such property is taxable.¹⁴⁶

In case of flood, fire, or other disaster in which a substantial amount of property in any township has been partially or totally destroyed, the state board of tax commissioners must order a survey, determine the locality in which the property has been partially or totally destroyed, and order re-assessment of all or part of the property in such township.¹⁴⁷ Under authority of this law, the state board, after the flood of 1937, ordered re-assessment of all flooded areas in Knight, Union, and Pigeon Townships.¹⁴⁸

The state board, after March 31 of a year in which a general election is not held, may, without petition of taxpayers, order a hearing on the necessity of re-assessment for the whole

¹³⁸ Acts 1919; Burns 64-1025; Baldwin 15692. Acts 1919, 1925, 1927, 1935, 1937; Burns, 1938 suppl., 64-1019; Baldwin, 1937 suppl., 15685.

¹³⁹ Acts 1919; Burns 64-1102; Baldwin 15698.

¹⁴⁰ Acts 1919; Burns 64-1402; Baldwin 15739.

¹⁴¹ Acts 1919; Burns 64-2102; Baldwin 15038.

¹⁴² Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

¹⁴³ Acts 1919; Burns 64-1027; Baldwin 15691.

¹⁴⁴ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201, 64-1205; Baldwin 15700, 15704.

¹⁴⁵ Acts 1919, 1935; Burns, 1938 suppl., 64-1321; Baldwin, 1935 suppl., 15725. State board of tax commissioners, Tax Rule 6.

¹⁴⁶ Acts 1919, 1927; Burns 64-2103; Baldwin 15804. This statement of the limitation on the scope of the appeal was suggested by Philip Zoercher, chairman of state board of tax commissioners.

¹⁴⁷ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1938 suppl., 64-1019 (c); Baldwin, 1937 suppl., 15685-5.

¹⁴⁸ Interview with Edward D. Koenemann, secretary, state board of tax commissioners, April 13, 1939.

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state or for any of the counties or townships thereof. Notice is given, and a hearing is held in each county in which the effected property is located. The board may then order re-assessment.¹⁴⁹

Any person may, before March 31 in any year, file with the state board of tax commissioners a petition for re-assessment of his real estate. The board gives ten days' notice of hearing on petition, and posts at the courthouse door and some other place in the county a statement showing the names of petitioners, description of properties, and amount of reductions requested. At the hearing, each petitioner must show cause for re-assessment. Other taxpayers may be heard in opposition. The board may then order the re-assessment petitioned for. This is the only method for obtaining re-assessment of particular real estate.¹⁵⁰

A petition for re-assessment of all real estate in a township must be signed by a specified percentage of the resident owners of taxable real estate of such township. The county auditor attaches a certificate as to the required number of signers, and the petition is filed with the state board of tax commissioners before March 31, in any year in which there is no general election of state, county, or township officials. If it appears to the board that the petition is in proper order and that the present valuation is inequitable, the board will order re-assessment of all or part of the real estate in the township.¹⁵¹

Any person owning real estate subject to mortgage may have the amount of the mortgage, not exceeding \$1,000 and not exceeding one-half the assessed valuation, existing and unpaid on the first day of March, deducted from the assessed valuation for that year, by filing with the auditor between the first day of March and the first Monday in May a sworn statement in the form required by law.¹⁵²

Within ten days after the valuation of real or personal property is determined by the board of review or state board of tax commissioners, the owner may appeal to the circuit

¹⁴⁹ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1938 suppl., 64-1019 (b); Baldwin, 1937 suppl., 15685-2.

¹⁵⁰ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1938 suppl., 64-1019 (d); Baldwin, 1937 suppl., 15685-4.

¹⁵¹ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1938 suppl., 64-1019(a); Baldwin, 1937 suppl., 15685-1.

¹⁵² Acts 1919; Burns 64-209 to 64-212; Baldwin 15565 to 15568.

court or superior court on questions of law concerning such valuation.¹⁵³

The county auditor, not later than September 1 of each year, apportions the final assessment of real and personal property among the several taxing units of the county and certifies the same to the county, townships, cities, and towns for the purpose of making tax levies based thereon.¹⁵⁴

The county council, at its annual meeting in August, adopts a budget, establishes the tax rate, and makes tax levies for the succeeding calendar year. The auditor then schedules the rates for the several municipal corporations in the county, verifies the figures and calculations, and reports the levies to the state board of tax commissioners.¹⁵⁵

Appeal from the action of the county council may be taken to the state board of tax commissioners. The board, after hearing the objections, may affirm or decrease the total tax levy or any item thereof. The decision of the board, which is final and conclusive "with respect to said levies and such parts thereof as may have been in question", is certified to the auditor, and the auditor certifies it to the taxing units interested therein. When the state board orders a reduction in the levy, it indicates the items in the budget affected by such reduction; and this limits the expenditures for the year, except in cases of extraordinary emergency.¹⁵⁶

The laws discussed in the next four paragraphs do not apply to levies and rates to meet: (1) Funding, refunding, or judgment funding obligations; (2) "outstanding obligations"; (3) judgments; (4) obligations issued to meet emergency growing out of flood, fire, pestilence, war, or other major disaster; (5) obligations issued on petition under this act; (6) requirements of the county welfare fund for public welfare services. It is the duty of the county council to levy an amount sufficient to meet such purposes, regardless of any statutory provisions to the contrary.¹⁵⁷

Except on authorization of the state board of tax com-

¹⁵³ Acts 1927; Burns 64-1020; Baldwin 15686.

¹⁵⁴ Acts 1919, 1920 (Spec. Sess.); Burns 64-1329; Baldwin 15733.

¹⁵⁵ Acts 1889; Burns 26-516 to 26-520; Baldwin 5380 to 5384. Acts 1920 (Spec. Sess.); Burns 64-1329; Baldwin 15733. Acts 1919; Burns 64-1330; Baldwin 15734. Acts 1935; Burns, 1938 suppl., 64-1331, 64-1339; Baldwin, 1935 suppl., 15735, 15737-1.

¹⁵⁶ Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1938 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

¹⁵⁷ Acts 1937; Burns, 1938 suppl., 64-312, 64-313; Baldwin, 1937 suppl., 15897-6, 15897-7.

missioners, the total tax rate for all purposes cannot exceed \$1.25 on each \$100 of taxable property outside incorporated cities and towns or \$2 on each \$100 of taxable property inside incorporated cities and towns.¹⁵⁸

At least two days before the second Monday in September, each municipal corporation¹⁵⁹ of the county files with the county auditor a statement of the tax levies and rates for the ensuing year, fixed by such municipal corporations, and at least two copies of the budgets on which such levies are based.¹⁶⁰ The board of tax adjustment meets on the second Monday of September each year. At the meeting, the auditor lays before the board the said budgets, tax levies, and rates.¹⁶¹ It is the duty of the board of tax adjustment to examine, revise, change, or reduce (but not increase) any budget, tax levy, or rate, and to hold such budget within the total amount of revenue to be raised therefor from any source whatever. Any changes in budgets must be with respect to the total amounts budgeted for each office, and not the detailed items included in such budgeted classifications. While the board of tax adjustment endeavors to keep the rates within the limits above stated, if it comes to the conclusion that such rates are inadequate, it certifies to the state board of tax commissioners its analysis and recommendations together with such data and facts as may be deemed essential to review. The state board then reviews the budgets and proceeds according to the provisions governing appeals, and may authorize rates beyond the said limits.¹⁶²

If the board of tax adjustment does not complete its duties before October 2, or fails to reduce the aggregate amount of the levies and rates to the said limits, then the auditor calculates and fixes the rates, so that the total tax rate within any municipal corporation does not exceed said limits, and certifies his action to each municipal corporation before October 6. Before October 16, any municipal corporation may appeal to the state board of tax commissioners to increase the tax levy and rate. Before October 16, ten or more taxpayers affected by any budget, levy, or rate fixed by the board of

¹⁵⁸ Acts 1937; Burns, 1938 suppl., 64-309; Baldwin, 1937 suppl., 15897-1, 15897-5.

¹⁵⁹ The term "municipal corporation" includes counties, townships, cities, towns, school districts, and all taxing units within the state. Acts 1933; Burns 64-302; Baldwin 15893.

¹⁶⁰ Acts 1937; Burns, 1938 suppl., 64-311; Baldwin, 1937 suppl., 15897-5.

¹⁶¹ Acts 1937; Burns, 1938 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

¹⁶² Acts 1937; Burns, 1938 suppl., 64-311; Baldwin, 1937 suppl., 15897-5.

tax adjustment or by the auditor may appeal to the state board of tax commissioners. The state board, after publishing five days' notice of hearing, conducts a public hearing on such appeals. The state board "may revise, change, or increase" the levy and rate in respect to total amounts budgeted by each office or department, and not as to detailed items. The levy and rate must be kept within the limit originally fixed by the municipal corporation. The state board certifies its decision to the county auditor before December 1, if possible. The budget, levy, and rate thereby fixed are final.¹⁶³

After the budget, levy, and rate for each municipal corporation have been finally fixed and determined, as aforesaid, the appropriating body of each municipal corporation allocates the funds to be derived from such levy in such manner that the expenditures for the ensuing year will remain within the limitations as finally fixed in the manner stated in the two preceding paragraphs.¹⁶⁴

If the county council determines that emergency exists requiring expenditures for the current year not authorized by the budget as originally established or as modified by the state board of tax commissioners, the council may make an additional appropriation and levy. The auditor then certifies the matter to the state board, which may affirm or reduce such additional appropriation and levy. The decision of the state board is final and conclusive as to such proposed expenditures.¹⁶⁵

The auditor, between the first Monday in July and the last day of December, makes out and delivers to the treasurer a roll of taxes known and designated as the tax duplicate. This contains several columns, and shows the names of taxpayers in alphabetical order, lands and improvements, mortgage deductions, corporate stock, personal property, valuations, poll tax, assessments of omitted property, land transfers since the last assessment, and all alterations in the assessment lists made by the board of review or the state board of tax commissioners. He numbers each township, city, and town in regular procession. On or before January 1, the county auditor delivers to the auditor of state a complete abstract of all property listed in each township, city, and

¹⁶³ Acts 1937; Burns, 1938 suppl., 64-314; Baldwin, 1937 suppl., 15897-8.

¹⁶⁴ Acts 1937; Burns, 1938 suppl., 64-315; Baldwin, 1937 suppl., 15897-9.

¹⁶⁵ Acts 1899, 1907, 1913, 1937; Burns, 1938 suppl., 26-251; Baldwin, 1937 suppl., 5385. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1938 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

town, showing valuations, mortgage deductions, number of polls, the amount of each kind of tax, the aggregate thereof in the county, and the rate of each kind assessed. A copy of the abstract is delivered to the treasurer, and another copy is kept by the county auditor.¹⁶⁶

Property taxes for state, county, township, city, and town purposes are payable to the county treasurer in two equal installments on or before the first Monday in May and the first Monday in November, respectively, in the year following the year for which the property was assessed. If any installment is not paid when it becomes due, such installment becomes delinquent, and a penalty of eight percent of such installment is added. Also the delinquent installment draws interest at the rate of eight per cent per annum from the date of delinquency to the time of payment.¹⁶⁷

It is the duty of the county treasurer to collect all such taxes after they become delinquent. He may levy on personal property at any time after the tax becomes delinquent, or before delinquency if he has good reason to believe the taxpayer is about to leave the county without payment, and sell the same after ten days' notice of the time and place of sale. Suit in the name of the treasurer may be brought by the prosecuting attorney to collect taxes. Real estate may be sold at a tax sale, on the second Monday in April, after advertisement, but not until 15 months have elapsed since delinquency.¹⁶⁸ The owner or occupant of any land sold for taxes, or any other person having an interest therein, may redeem the same at any time within two years after the sale.¹⁶⁹

FEES

The laws provide for the charging of fees by various county officials. Salaried officials cannot disburse their fees for office expense, or retain the fees or interest thereon as compensation, unless a statute specifically authorizes them to do so. Such fees must be paid into the county

¹⁶⁶ Acts 1919; Burns 64-1403, 64-1408; Baldwin 15740, 15745.

¹⁶⁷ Acts 1919; Burns 64-1502; Baldwin 15748. Acts 1932 (Spec. Sess.); Burns 64-1508; Baldwin 15751. Acts 1935; Burns, 1938 suppl., 64-1542; Baldwin, 1935 suppl., 15765-1.

¹⁶⁸ Acts 1932 (Spec. Sess.); Burns 64-1509, 64-1511; Baldwin 15752, 15754. Acts 1919, 1931; Burns 64-1701 to 64-1705, 64-2201, 64-2203 to 64-2211; Baldwin 15778 to 15782, 15806, 15808 to 15818.

Acts 1919, 1931, 1937; Burns, 1938 suppl., 64-2202; Baldwin, 1937 suppl., 15807.

¹⁶⁹ Acts 1919; Burns 64-2301; Baldwin 15819.

treasury. The officer cannot draw any salary while illegally withholding fees.¹⁷⁰

County officials may charge and collect only such fees as are allowed by statute.¹⁷¹ If an officer collects illegal fees, the county cannot recover them from such officer, since they belong to the person paying them.¹⁷² If the officer unlawfully refuses to pay over fees collected by him, an action lies on his bond;¹⁷³ and if he pays over fees which he is entitled to retain, he may sue to recover them.¹⁷⁴

All officers are required to keep complete records of all fees received from any source whatever. Such records are subject to public inspection at any time, and must be inspected by the board of commissioners at their meetings.¹⁷⁵

STATE FUNDS

The counties receive from the state a portion of the funds in the motor vehicle highway account of the state. This account is composed of excise taxes on motor vehicle fuel, motor vehicles, operators, and chauffeurs.¹⁷⁶ The portion allotted to the counties is distributed on a basis of vehicular miles of county roads in each county as compared with the total in all of the counties. The 1937 law recites that there are 72,670 miles in Vanderburgh County and 4,536,856 miles in all of the counties, but provision is made for a recount by the state highway commission and a change in allocation based thereon.¹⁷⁷ Such funds are used by the county for construction and maintenance of county roads.¹⁷⁸

¹⁷⁰ Acts 1933; Burns 49-1001, 49-1005; Baldwin 7531, 7535. Acts 1895; Burns 49-1410; Baldwin 7585. Keifer v. Summers, 137 Ind. 106, 35 N. E. 1103; Applegate v. State ex rel. Pettijohn, 205 Ind. 122, 185 N. E. 911; Board of County Comrs. v. Lewis, 81 Ind. App. 601, 144 N. E. 623.

¹⁷¹ Noble v. Board of County Comrs., 101 Ind. 127; Legler v. Paine, 147 Ind. 181, 45 N. E. 604.

¹⁷² State ex rel. Board of County Comrs. v. Williams, 39 Ind. App. 376, 77 N. E. 1137.

¹⁷³ Acts 1883; Burns 49-142; Baldwin 13094. Workman v. State ex rel. Board of County Comrs., 165 Ind. 42, 73 N. E. 917.

¹⁷⁴ Board of County Comrs. v. Crone, 36 Ind. App. 283, 75 N. E. 826.

¹⁷⁵ Acts 1895; Burns 49-1401, 49-1409; Baldwin 7584. Acts 1879 (Spec. Sess.); Burns 49-2723; Baldwin 1443. Acts 1909; Burns 60-213; Baldwin 13864.

¹⁷⁶ Acts 1937; Burns, 1938 suppl., 36-2801; Baldwin, 1937 suppl., 8695-1.

¹⁷⁷ Acts 1937; Burns, 1938 suppl., 36-2808; Baldwin, 1937 suppl., 8695-8.

¹⁷⁸ Acts 1937; Burns, 1938 suppl., 36-2804 to 36-2806; Baldwin, 1937 suppl., 8695-4, 8695-6.

Acts 1939, ch. 64 (not effective at the time of writing), amends the first cited section by authorizing the county council to appropriate 20 percent of such funds to pay off outstanding county unit road bonds.

The counties receive from the state a portion of the license fees of liquor dealers. Distribution among the counties is based on the amount paid in for licenses with respect to dealers' premises located outside cities and towns in each county, as compared with the total for such areas in all counties.¹⁷⁹

The counties receive a portion of the intangibles tax. Distribution among the counties is based on the assessed valuation of the real property in each county, as compared to the total in all counties. One-fourth of the amount received by the county goes into the general fund of the county, and the remainder goes to the school funds of the township, city, and town taxing units on a basis of valuation of the real property in each.¹⁸⁰

Each county receives from the state, as reimbursement, about 81 percent of the money spent by the county for welfare assistance.¹⁸¹

Distribution of the income from the common school fund surplus by the state to the several counties for school purposes is based on the average daily attendance of children in grades one to twelve in the schools of the respective counties.¹⁸² School funds are discussed hereinafter under the heading Education.

PUBLIC DEBT: BORROWING MONEY

The constitution provides that the total amount of the county debt shall not exceed two percent of the value of the taxable property therein,¹⁸³ and a statute provides that such debt shall not exceed two percent of the taxable property less the total of all mortgage exemptions.¹⁸⁴

The borrowing of money for the county must be authorized by ordinance of the county council.¹⁸⁵ The notes, bonds, or other evidence of indebtedness are executed by the commis-

¹⁷⁹ Acts 1935; Burns, 1938 suppl., 12-811; Baldwin, 1935 suppl., 3764-40(f).

¹⁸⁰ Acts 1933; Burns 64-922; Baldwin 15920.

¹⁸¹ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1405, 52-1412; Baldwin, 1937 suppl., 14078-117, 14078-124. This percentage was stated by the auditor of state in an interview on March 31, 1939.

¹⁸² Acts 1865, 1893, 1932 (Spec. Sess.), 1933; Burns 28-1013; Baldwin 6490.

¹⁸³ Const., art. 13, sec. 1. Exception is made in case of war, foreign invasion, or other public calamity.

¹⁸⁴ Acts 1899, 1921, 1929; Burns 26-532; Baldwin 5396.

¹⁸⁵ *Ibid.*

sioners and attested by the auditor.¹⁸⁶ The obligations may bear interest at a rate not exceeding six percent per annum. If the interest rate exceeds five percent, the issuance must be approved by the state board of tax commissioners.¹⁸⁷ The council may provide for maturities at any time not exceeding 52 years from issuance.¹⁸⁸

The bonds are issued after publication of notice, and must be sold for an amount not less than par value and accrued interest. If the amount of the bond issue is to exceed \$5,000, and if 10 taxpayers file objections with the auditor, the objections will be certified to the state board of tax commissioners for hearing and disposition.¹⁸⁹

Temporary loans may be authorized to meet current operating expenses to an amount not exceeding the revenue for the current year, and only as an anticipation of such revenue. It is the duty of the county council each year to levy an annual tax to pay all such temporary loans.¹⁹⁰

The county council must make a levy of not less than one-tenth of one percent on the taxable property of the county each year, for the purpose of retiring bonds previously issued; and the taxes collected therefrom must be invested in said bonds or other state or county securities, and shall constitute a sinking fund for the ultimate liquidation of such debt.¹⁹¹ The council must also levy each year a tax sufficient to pay interest for the year on bonds previously issued. If more money is collected under this levy than is needed to pay interest, it goes into the sinking fund to pay the principal.¹⁹²

During the last 10 years, Vanderburgh County has issued bonds as follows: October 15, 1928, \$77,000, Boehne Tuberculosis Hospital; April 1, 1929, \$80,000, courthouse; September 10, 1930, \$185,000, Franklin Street Bridge; November 15, 1930, \$60,000, poor infirmary; October 1, 1931, \$65,000, Memorial Coliseum; November 15, 1932, \$350,000, poor relief; February 15, 1933, \$162,000, poor relief; October 15, 1934,

¹⁸⁶ Acts 1899, 1921; Burns 26-540; Baldwin 5405.

¹⁸⁷ Acts 1899, 1921, 1929; Burns 26-532; Baldwin 5396. Acts 1919, 1920 (Spec. Sess.), 1921, 1923; Burns 64-1332; Baldwin 15736.

¹⁸⁸ Acts 1899, 1921, 1929; Burns 26-532, 61-401; Baldwin 5396, 13896.

¹⁸⁹ Acts 1899, 1921; Burns 26-540; Baldwin 5405. Acts 1919, 1920 (Spec. Sess.), 1921, 1923; Burns 64-1352; Baldwin 15736.

¹⁹⁰ Acts 1899, 1921, 1929; Burns 26-532; Baldwin 5396.

¹⁹¹ 1 Rev. Stat. 1852, Acts 1859; Burns 26-1006; Baldwin 5247.

¹⁹² 1 Rev. Stat. 1852; Burns 26-1007; Baldwin 5248.

\$234,000, poor relief; July 1, 1935, \$300,000, poor relief; November 15, 1935, \$100,000, Memorial Coliseum; November 15, 1935, \$180,000, Pigeon Bridge; November 15, 1935, \$100,000, Boehne Tuberculosis Hospital; February 15, 1936, \$320,000, advancement fund; December 15, 1936, \$80,000, real estate purchase and improvements; February 15, 1937, \$100,000, jail annex; July 1, 1937, \$200,000, advancement fund; January 3, 1938, \$100,000, courthouse; September 1, 1938, \$220,000, advancement fund; November 1, 1938, \$70,000, county infirmary.¹⁹³

FISCAL CONTROL

Fiscal control of county matters is vested in the county council, board of commissioners, treasurer, auditor, and board of finance.

The power of making appropriations of money to be paid out of the county treasury is vested exclusively in the county council.¹⁹⁴ No money can be drawn from the county treasury not in pursuance of appropriation therefor,¹⁹⁵ except in the following instances: (1) Money belonging to the state and commanded by law to be paid into the state treasury; (2) money belonging to any school fund; (3) money belonging to any fund of any township, town, or city, and commanded by law to be paid to such municipality; (4) money, due to any person, which has been paid into the county treasury pursuant to public improvement assessments on persons or property of the county in territory less than the whole county; (5) money, due to any person, which has been paid into the treasury for redemption from any tax or other sale; or money so due that has been paid in pursuant to authority of law as a tender or payment to such person; (6) taxes erroneously paid; (7) funds received from the state or Federal Government for welfare assistance or public work projects;¹⁹⁶ (8) salaries fixed by law.¹⁹⁷

Before the Thursday following the first Monday in August each year, the various officials of the county (including courts, board of commissioners, and township assessor) submit to the auditor estimates of expenditures and probable revenue to be received from the state for the ensuing calendar year. The estimates are kept on file in the auditor's office, subject

¹⁹³ County Council Record, vols. 3 and 4, *passim*.

¹⁹⁴ Acts 1899; Burns 26-515; Baldwin 5379.

¹⁹⁵ *Ibid*.

¹⁹⁶ Acts 1899, 1935; Burns, 1938 suppl., 26-522; Baldwin 5386.

¹⁹⁷ Blue v. State ex rel. Powell, 210 Ind. 486, 1 N. E. (2d) 122.

to inspection by any taxpayer of the county. The auditor publishes notice of the aggregate amount of each of such estimates, and prepares an ordinance making an appropriation by items for the ensuing calendar year for the various purposes for which all of the estimates are required. At the annual meeting of the county council on the first Tuesday after the first Monday in September, the auditor submits all of the estimates to the county council and makes recommendations with reference thereto. The council, at that meeting, considers the estimates and the proposed ordinance, and makes such changes as are deemed necessary. A three-fourths vote is required to make appropriation for any item not contained in any estimate or for a greater amount than that named in any item of any estimate. The ordinance making the appropriation for the ensuing year is adopted after being read on at least two separate days. This appropriation is called the annual county budget, and the estimates of expenditures are called budget estimates.¹⁹⁸

If emergency arising after the adjournment of the annual meeting requires appropriations in addition to those originally included in the annual appropriation, additional appropriations may be made by ordinance passed by a two-thirds vote of all the members of the council at a special meeting, after estimates are prepared and submitted in the manner required for annual estimates. If the aggregate amount of the requested appropriation exceeds \$15,000, the ordinance must be read on two separate days before passage.¹⁹⁹ Such additional appro-

¹⁹⁸ Acts 1899; Burns 26-516 to 26-520; Baldwin 5380 to 5384. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1938 suppl., 64-1331, 64-1339; Baldwin, 1935 suppl., 15735, 15737-1.

Appropriations of money can be made by county council only by the passage of ordinances. State ex rel. Davis v. Board of County Comrs., 165 Ind. 262, 74 N. E. 1091.

The statutory provision requiring an ordinance for an appropriation to be read on two separate days is mandatory, and on failure to comply therewith the ordinance is invalid. Van Der Vear v. State ex rel. Herron, 97 Ind. App. 1, 165 N. E. 265.

¹⁹⁹ Acts 1937; Burns, 1938 suppl., 26-521; Baldwin, 1937 suppl., 5385.

The council's determination of emergency is not conclusive on the courts. State v. Board of County Comrs., 204 Ind. 484, 184 N. E. 780.

The words "emergency growing out of a flood, fire, pestilence, war, or other major disaster" are used in Acts 1937; Burns, 1938 suppl., 64-312; Baldwin, 1937 suppl., 15897-6.

Provisions concerning poor relief and welfare services. Acts 1935; Burns, 1938 suppl., 52-174; Baldwin, 1935 suppl., 15320-31. Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1303; Baldwin, 1937 suppl., 14078-100.

priations must be approved by the state board of tax commissioners.²⁰⁰

It is unlawful for the county council to make any appropriation of money, or order to pay money, unless at the time the money for that purpose be in the treasury or provided for.²⁰¹

When any item of appropriation remains unexpended at the end of the calendar year for which it was appropriated, the amount thereof reverts to the general fund of the county, and no warrant can be drawn thereon. However, time for withdrawal is extended where payment was withheld during such year because of injunction which was later dissolved.²⁰² It is unlawful to overdraw the amount of any item of appropriation or to use one item for the purpose of another.²⁰³

No county official or court has power to bind the county by any contract, express or implied, to any extent beyond the amount of money at the time already appropriated by ordinance for the purpose of the obligation attempted to be incurred.²⁰⁴

Claims against the county, duly itemized and verified, in writing on forms furnished by the board of commissioners, may be filed with the auditor, who places them on the claim docket and thereafter presents them to the board for decision. At a regular or special session of the board of commissioners, beginning at least five days after the docketing of the claim and publication of notice by the auditor, the commissioners must examine the merits of the claim and may, in their discretion, allow it, in whole or in part, as they find it to be just and owing.²⁰⁵ The board cannot allow a claim that it previously disallowed.²⁰⁶

²⁰⁰ Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1938 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

²⁰¹ Acts 1879; Burns 26-1025, 26-1027; Baldwin 5348, 5352. The words "board of commissioners" in the act are construed to mean county council.

²⁰² Acts 1899, 1903; Burns 26-524; Baldwin 5388.

²⁰³ Acts 1899; Burns 26-523; Baldwin 5387. Acts 1899, 1935; Burns, 1938 suppl., 26-522 Baldwin, 1935 suppl., 5386.

²⁰⁴ Acts 1899; Burns 26-525, 26-527; Baldwin 5389, 5391.

But lack of appropriation does not prevent entry of a judgment binding the county, where the court has jurisdiction of the parties and subjectmatter of the action. Acts 1899; Burns 26-527 Baldwin 5391. Board of County Comrs. v. McGregor, 171 Ind. 634, 87 N. E. 1.

²⁰⁵ Acts 1899; Burns 26-538, 26-804; Baldwin 5403, 5256. Acts 1879 (Spec. Sess.); Burns 26-805, 26-807; Baldwin 5254, 5256. Acts 1897; Burns 26-806, 26-809; Baldwin 5260, 5257. Acts 1931; Burns 26-816 to 26-819; Baldwin 5268 to 5271.

²⁰⁶ Myers v. Gibson, 152 Ind. 500, 53 N. E. 646.

A claim for materials and supplies will not be allowed unless accompanied by a certificate of the auditor showing that the goods mentioned in the claim correspond in quality and prices with the contract.²⁰⁷ A claim on a contract for work to be conducted under the supervision of the county surveyor, or any architect, engineer, superintendent, or inspector appointed by the board of commissioners, must be accompanied by a certificate of the surveyor or such agent, showing that the work therein mentioned was performed according to contract and that the amount claimed is due and owing by the terms of the contract.²⁰⁸ A claim based on a judgment or order of a court must be accompanied by a certified copy of such judgment or order.²⁰⁹

For the amount allowed by the board of commissioners, the auditor, after appropriation by the county council, issues a warrant which is countersigned by the treasurer and paid by the treasurer or a public depository designated thereon by him.²¹⁰ An allowance not called for within five years may be canceled.²¹¹ Preference in payment is given to claims for money advanced by any county officer for the use of the county pursuant to provisions of law or of any order of the board.²¹² However, no allowance can be made by the board of commissioners to one of its members for articles furnished by him to the county under a contract or otherwise.²¹³

Any person feeling aggrieved by any decision of the board on any claim may appeal to the circuit or superior court. In case of disallowance in whole or in part, the claimant may appeal as aforesaid or bring an independent suit against the board. The claimant must pay the costs of the appeal if he does not recover more on the appeal than was allowed by the board.²¹⁴ No complaint other than the claim (including certificates and exhibits, if any) presented to the board is required on appeal.²¹⁵ If the board allows only a part of the

²⁰⁷ Acts 1899; Burns 26-538; Baldwin 5403.

²⁰⁸ Acts 1899; Burns 26-39; Baldwin 5404.

²⁰⁹ Acts 1911; Burns 26-814; Baldwin 5265.

²¹⁰ Acts 1911; Burns 26-813, 26-814; Baldwin 5264, 5265. Acts 1937; Burns, 1938 suppl., 61-627; Baldwin, 1937 suppl., 13844-48.

²¹¹ Acts 1879 (Spec. Sess.); Burns 26-815; Baldwin 5273.

²¹² 1 Rev. Stat. 1852; Burns 26-802; Baldwin 5252.

²¹³ Waymire v. Powell, 105 Ind. 328, 4 N. E. 886.

²¹⁴ Acts 1879 (Spec. Sess.), 1885; Burns 26-820; Baldwin 5275.

²¹⁵ Board of County Comrs. v. Wertz, 112 Ind. 268, 13 N. E. 874.

claim, and the claimant accepts payment of the amount allowed, he cannot bring suit for the remainder.²¹⁶ No appeal lies from a decision of the board making or refusing allowances for services voluntarily rendered or things voluntarily furnished for public use; and claimant cannot bring an independent suit on such claim after it is disallowed in whole or in part.²¹⁷

In pursuance of appropriations by the county council,²¹⁸ courts make allowances against the county for expense of administration of justice.²¹⁹ Such allowances include fees of witnesses,²²⁰ jurors,²²¹ master commissioners,²²² sheriffs,²²³ bailiffs,²²⁴ and salary of the court reporter²²⁵ and his fees covering transcripts for poor persons.²²⁶

Within ten days after adjournment of the session of the board of commissioners or of the court, at which allowances against the county are made, the auditor publishes notice showing all allowances made by the board or court. A warrant on an allowance by a court cannot be issued until three days after such publication.²²⁷

The treasurer receives all money coming to the county, and disburses it on proper orders or warrants issued and attested by the auditor.²²⁸

The board of finance has supervision of all public funds of the county and of the safekeeping and deposit thereof.²²⁹ The board designates depositories for public funds, after in-

²¹⁶ *Western Constr. Co. v. Board of County Comrs.*, 178 Ind. 684, 98 N. E. 347.

²¹⁷ Acts 1879 (Spec. Sess.), 1885; Burns 26-820; Baldwin 5275.

²¹⁸ Acts 1899; Burns 26-515, 26-527; Baldwin 5376, 5391.

²¹⁹ Acts 1879 (Spec. Sess.); Burns 49-1432, 49-1434; Baldwin 13127, 13128. Change of venue from county. Acts 1905; Burns 9-1312 to 9-1315; Baldwin 2233 to 2236.

²²⁰ 1 Rev. Stat. 1852; Burns 9-2408; Baldwin 1306.

²²¹ Acts 1881 (Spec. Sess.), 1913, 1927, 1933; Burns 4-3319; Baldwin 1277.

²²² Acts 1881 (Spec. Sess.), 1903; Burns 4-3407; Baldwin 1286.

²²³ Acts 1895, 1905, 1915, 1919; Burns 49-1311; Baldwin 7570. Change of venue from county. Acts 1905; Burns 9-1315; Baldwin 2236.

²²⁴ Acts 1921, 1935; Burns, 1938 suppl., 4-3107; Baldwin, 1935 suppl., 1256. Acts 1895, 1905, 1915, 1919; Burns 49-1311; Baldwin 7570. 2 Rev. Stat. 1852; Burns 49-2804; Baldwin 5496.

²²⁵ Acts 1921, 1939; Burns, 1938 suppl., 4-3507; Baldwin, 1939 suppl., 1298-1.

²²⁶ Acts 1893; Burns 4-3511; Baldwin 1300.

²²⁷ Acts 1899; Burns 26-816; Baldwin 5268. Acts 1931; Burns 26-817; Baldwin 5269.

²²⁸ Acts 1899, 1935; Burns, 1938 suppl., 26-522; Baldwin, 1935 suppl., 5386. 1 Rev. Stat. 1852; Burns 49-3103; Baldwin 5550. Acts 1937; Burns, 1938 suppl., 61-627; Baldwin, 1937 suppl., 18844-48.

²²⁹ Acts 1937; Burns, 1938 suppl., 61-629; Baldwin, 1937 suppl., 13844-50.

viting and receiving proposals from banks and trust companies. The commission of a depository may be revoked by the board at any time.²³⁰ The resignation of a depository becomes effective 30 days after notice thereof to the board.²³¹ Monthly statements are furnished by the depository to the board on or before the fifth day of each month, and are preserved in the office of the board.²³² All public funds paid into the county treasury must be deposited by the treasurer daily, in the name of the county, in one or more of such designated depositories. On or before the fifth day of each month, the treasurer must file with the secretary of the board a statement of the balance of funds at the end of the previous month, consistent with the statement furnished by the depository.²³³

When the auditor draws a warrant, he charges it against the appropriation and particular fund under which it was drawn. Apportionment is made if more than one fund or appropriation is involved.²³⁴ The number, date, amount, name of payee, and purpose of the order or warrant are entered in a book.²³⁵ The auditor examines and settles all accounts and demands chargeable against the county which no law requires to be settled and allowed by some other tribunal or person.²³⁶ Before issuing a warrant or quietus, the auditor must examine the account to ascertain whether it is correct and in proper form; and for this purpose may require the furnishing of information, vouchers, and exhibits sufficient to satisfy himself.²³⁷

On claims (including claims on judgments) allowed by the board of commissioners, the auditor issues his warrant. But a warrant may be issued to pay a judgment, or for management of the school fund, insanity inquests, or salaries or other liabilities for specific amounts fixed by law, without there being a claim therefor allowed by the board of commissioners.²³⁸ Orders not called for within five years after

²³⁰ Acts 1937; Burns, 1938 suppl., 61-634 to 61-636; Baldwin, 1937 suppl., 13844-55 to 13844-57.

²³¹ Acts 1937; Burns, 1938 suppl., 61-640; Baldwin, 1937 suppl., 13844-61.

²³² Acts 1937; Burns, 1938 suppl., 61-638; Baldwin, 1937 suppl., 13844-59.

²³³ Acts 1937; Burns, 1938 suppl., 61-624; Baldwin, 1937 suppl., 13844-45.

²³⁴ Acts 1899; Burns 26-544; Baldwin 5409.

²³⁵ 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419.

²³⁶ *Ibid.*

²³⁷ Acts 1909; Burns 60-215; Baldwin 13866.

²³⁸ Acts 1897; Burns 26-809; Baldwin 5257. Acts 1911; Burns 26-813, 26-814; Baldwin 5264,

5265. 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419. Blue v. State ex rel. Powell, 210 Ind. 486, 1

N. E. (2d) 122.

allowance of claim on which drawn may be canceled by the board of commissioners, if not called for after publication of notice.²³⁹

Warrants drawn by the auditor on the treasurer must be accompanied by a carbon copy thereof, except as to funds of the state and township. If funds are available to pay the warrant, the treasurer, on presentation to him, detaches and retains the carbon copy, and countersigns the original and stamps thereon the name of the depository by which it is payable. The original warrant is delivered to the payee, and the amount thereof is paid to the payee by the depository on presentation and surrender of the warrant. For the convenience of the payee, the treasurer may pay cash to the holder, on taking an assignment of the warrant, in which event such warrant will be deposited by the treasurer in the depository in lieu of cash.²⁴⁰ The treasurer must deduct any delinquent taxes owing by the payee.²⁴¹ If no funds are available to pay the warrant, the treasurer indorses thereon the words "not paid for want of funds" and the date of such presentment; and thereafter the warrant draws legal interest. Interest ceases when funds become available for payment and the treasurer or auditor publishes a call for redemption.²⁴² Outstanding warrants are redeemed by the treasurer according to priority of time of presentment. Such warrants must be received in payment of county taxes without regard to such priority.²⁴³ When the treasurer redeems a warrant on which interest is due, he makes a notation thereon, and also in his account, showing the amount of interest paid.²⁴⁴

Every public officer who receives or distributes public funds must keep a cashbook wherein there is entered daily, by item, all receipts of public funds. The book must be balanced daily, show funds on hand at the close of each day, and be kept open to public inspection.²⁴⁵ The treasurer keeps records of all receipts and disbursements in a general account,

²³⁹ Acts 1879 (Spec. Sess.); Burns 26-815; Baldwin 5273.

²⁴⁰ 1 Rev. Stat. 1852; Burns 49-3111; Baldwin 5558. Acts 1937; Burns, 1938 suppl., 61-627 Baldwin, 1937 suppl., 13844-48.

²⁴¹ Acts 1919; Burns 64-1506; Baldwin 15768.

²⁴² Acts 1889; Burns 49-3007, 49-3008; Baldwin 5420, 5421. 1 Rev. Stat. 1852; Burns 49-3111; Baldwin 5558.

²⁴³ 1 Rev. Stat. 1852; Burns 49-3113; Baldwin 5560.

²⁴⁴ 1 Rev. Stat. 1852; Burns 49-3112; Baldwin 5559.

²⁴⁵ Acts 1937; Burns, 1938 suppl., 61-623; Baldwin, 1937 suppl., 13844-44

and also in separate accounts for the separate appropriations and distinct funds. Current taxes are not entered on his account with the county until after his annual statement.²⁴⁶ The treasurer keeps his books and office subject to inspection by the board of commissioners at any time; and at least once a year exhibits to the board the money in his office.²⁴⁷ The treasurer, at the end of March, June, September, and December, makes out a report showing the amount of money in the county treasury and each distinct fund thereof. The report is examined by the board of commissioners at their next regular session.²⁴⁸

The treasurer gives a receipt for all money paid to him, which receipt (except for taxes) must be deposited by the payor with the auditor, who gives a quietus for same.²⁴⁹

The board of commissioners, at its first regular session each year, examines the books of the treasurer and auditor;²⁵⁰ and makes out a statement of the receipts and expenditures for the previous calendar year, and causes it to be published and posted.²⁵¹ The treasurer makes complete settlements with the board of commissioners at its January and June sessions each year, and a copy of the settlement sheet is copied into the order book of the board.²⁵² Settlements by the board of commissioners are not binding on the county where the officer has failed to account for any money received by virtue of his office or failed to perform any duty required of him by law.²⁵³

All taxes collected by the treasurer must be deposited in the depository as one fund, except where otherwise provided by law. Semiannually the treasurer settles with the state and the municipal corporations of the county for taxes collected for them by the treasurer. Before such settlements, he advances not exceeding 80 percent when request by the proper officer is made to the auditor and a warrant drawn by him.²⁵⁴

²⁴⁶ 1 Rev. Stat. 1852; Burns 49-3109; Baldwin 5554.

²⁴⁷ 1 Rev. Stat. 1852; Burns 49-3110; Baldwin 5555.

²⁴⁸ Acts 1895, 1913; Burns 49-1403; Baldwin 7578.

²⁴⁹ 1 Rev. Stat. 1852; Burns 49-3104; Baldwin 5551.

²⁵⁰ Acts 1897; Burns 26-636; Baldwin 5237.

²⁵¹ Acts 1899; Burns 26-546; Baldwin 5411.

²⁵² Acts 1899; Burns 26-531; Baldwin 5395. 1 Rev. Stat. 1852; Burns 49-3117; Baldwin 5564.

²⁵³ Acts 1879 (Spec. Sess.); Burns 26-637; Baldwin 5402.

²⁵⁴ Acts 1937; Burns, 1938 suppl., 61-626; Baldwin, 1937 suppl., 13844-5.

ADMINISTRATION OF JUSTICE

JUDICIAL SYSTEM

The judicial system of Vanderburgh County is prescribed by the constitution and subsequent acts of the general assembly. The constitution vests the judicial power, so far as the counties are concerned, in the circuit court and "such other courts as the general assembly may establish."²⁵⁵ The constitution further provides for the election, by popular vote, of a clerk of the circuit court and a sheriff in the county²⁵⁶ and a prosecuting attorney in the circuit.²⁵⁷

Vanderburgh County has three courts—a circuit court, a superior court, and a probate court—each consisting of one judge elected by the voters of the county.²⁵⁸ Vanderburgh County comprises the territorial jurisdiction of each of said courts.²⁵⁹

The circuit court has original jurisdiction of all criminal cases under the state laws.²⁶⁰ The circuit, superior, and probate courts have concurrent original jurisdiction in all civil cases, except the matters mentioned in the following paragraph.²⁶¹

The probate court has exclusive original jurisdiction of juvenile matters, trusts, adoptions, guardianships, surviving partnerships, probate of wills, administration of estates of decedents and insolvents, and all other probate matters.²⁶² The juvenile referee, appointed by the probate judge hears and determines juvenile matters under the supervision of the probate judge.²⁶³

The circuit, superior, and probate courts concurrently have appellate jurisdiction²⁶⁴ to review decisions of justices

²⁵⁵ Const., art. 7, secs. 1, 8.

²⁵⁶ *Ibid.*, art. 6, sec. 2.

²⁵⁷ *Ibid.*, art. 7, sec. 11.

²⁵⁸ Const., art. 7, secs. 1, 8. Acts 1881 (Spec. Sess.); Burns 4-301; Baldwin 1395. Acts 1877; Burns 4-2001; Baldwin 1688-24. Acts 1919; Burns 4-3003; Baldwin 1804.

²⁵⁹ Acts 1895; Burns 4-332; Baldwin 1415-1. Acts 1877; Burns 4-2010; Baldwin 1688-33. Acts 1919; Burns 4-3010; Baldwin 1811.

²⁶⁰ Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397.

²⁶¹ *Ibid.* Acts 1877; Burns 4-2010; Baldwin 1688-33. Acts 1919; Burns 4-3010; Baldwin 1811.

²⁶² Acts 1919; Burns 4-3010, 4-3011; Baldwin 1811, 1812.

²⁶³ Acts 1923; Burns 9-2825, 9-2826; Baldwin 1773, 1774.

²⁶⁴ Acts 1881; Burns 4-303; Baldwin 1397. Acts 1877; Burns 4-2010; Baldwin 1688-33. Acts 1919; Burns 4-3010; Baldwin 1811.

of the peace,²⁶⁵ city courts,²⁶⁶ board of public works or board of park commissioners of any city in the county (or city council performing such functions),²⁶⁷ board of commissioners,²⁶⁸ board of review fixing value of property for taxation,²⁶⁹ miners' examination board,²⁷⁰ and other inferior tribunals when no express direction is given as to the court to which the appeal lies.²⁷¹

The only judiciary of minor jurisdiction in Vanderburgh County are the justices of the peace, elected by the voters in each township.²⁷² The civil jurisdiction of the justice of the peace is limited to his township, but the criminal jurisdiction is co-extensive with his county.²⁷³ The justices must pay to the county treasurer all fines which they collect.²⁷⁴

The clerk of the circuit court acts as clerk of the superior and probate courts.²⁷⁵ The sheriff executes the process of the circuit, superior, and probate courts and preserves order therein;²⁷⁶ constables perform similar duties for the justices of the peace.²⁷⁷ The prosecuting attorney acts as attorney for the state in criminal cases and as attorney for the county and state in civil cases.²⁷⁸

Formerly a jury was used in coroner's inquests, but such juries were abolished in 1879.²⁷⁹ Under the present system, coroners act in a nonjudicial capacity when holding inquests.²⁸⁰

²⁶⁵ 2 Rev. Stat. 1852; Burns 5-1001; Baldwin 1931. Acts 1877; Burns 4-2010; Baldwin 1688-33.

²⁶⁶ Acts 1921; Burns 4-2702; Baldwin 12172. Acts 1917; Burns 4-2603; Baldwin 11608. Acts 1923; Burns 4-2802; Baldwin 12336.

²⁶⁷ Acts 1933; Burns 48-4501; Baldwin 11768.

²⁶⁸ Acts 1879; Burns 26-820; Baldwin 5275. 1 Rev. Stat. 1852; Burns 26-901; Baldwin 5276.

²⁶⁹ Acts 1927; Burns 64-1020; Baldwin 15686.

²⁷⁰ Acts 1923; Burns 46-1008; Baldwin 11073.

²⁷¹ Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. *Hamilton v. Fort Wayne*, 73 Ind. 1.

²⁷² Const., art. 7, sec. 14. Acts 1913; Burns 5-101; Baldwin 1828.

²⁷³ 2 Rev. Stat. 1852; Burns 5-201; Baldwin 1857. Acts 1905; Burns 9-715; Baldwin 2084.

²⁷⁴ Acts 1881; Burns 5-1803; Baldwin 1874.

²⁷⁵ Acts 1877; Burns 4-2004; Baldwin 1688-27. Acts 1919; Burns 4-3005; Baldwin 1803.

²⁷⁶ *Ibid.*

²⁷⁷ 2 Rev. Stat. 1852; Burns 5-601; Baldwin 2063. Acts 1905; Burns 9-710; Baldwin 2061.

2 Rev. Stat. 1852; Burns 49-3401, 49-3403, 49-3407; Baldwin 16116, 16119, 16122.

²⁷⁸ 2 Rev. Stat. 1852; Burns 49-2501, 49-2504; Baldwin 5456, 5460.

²⁷⁹ Acts 1817-18 (general), ch. 20. Acts 1879 (Spec. Sess.); Burns 49-2907; Baldwin 544

²⁸⁰ *Stults v. Board of County Comrs.*, 168 Ind. 539, 81 N. E. 471.

An act of 1939, not effective until June 30, 1939, creates a magistrates court consisting of two or more magistrates. The court will have jurisdiction throughout the county in cases of petty offenses under the state laws and all offenses under traffic ordinances, and will supersede the jurisdiction of justices of the peace and mayors over traffic offenses.²⁸¹

ENFORCEMENT OF CRIMIAL LAWS

Investigations of alleged violations of criminal law are conducted by the prosecuting attorney,²⁸² the sheriff,²⁸³ or the coroner,²⁸⁴ co-operating with one another and with state and Federal bureaus of law enforcement;²⁸⁵ and the results of such investigations, if they point toward violations of the law, are presented to the grand jury by the prosecuting attorney.²⁸⁶

The prosecuting attorney or his deputy may appear before the grand jury for the purpose of interrogating witnesses or giving information relative to any matter cognizable by it or giving requested advice on any legal matter, but he cannot be present during the deliberations of the grand jury.²⁸⁷ The grand jury consists of six members,²⁸⁸ at least five of whom must concur in the finding of an indictment. When an indictment is found, it is endorsed by the foreman of the grand jury, "A true bill", and also signed by the prosecuting attorney.²⁸⁹

The prosecuting attorney conducts all prosecutions for felonies and misdemeanors charged in indictments returned by the grand jury.²⁹⁰ He may also prosecute on affidavit all public offenses other than treason and murder.²⁹¹

Actual enforcement of criminal law in the county is entrusted to the sheriff and the coroner, both officers having

²⁸¹ Acts 1939, ch. 164.

²⁸² 2 Rev. Stat. 1852; Burns 49-2503; Baldwin 5459.

²⁸³ 2 Rev. Stat. 1852; Burns 49-2602; Baldwin 5494.

²⁸⁴ 2 Rev. Stat. 1852, Acts 1871, 1879 (Spec. Sess.), 1935; Burns, 1938 suppl., 49-2904;

Baldwin, 1935 suppl., 5439.

²⁸⁵ Acts 1927; Burns 9-2603 to 9-2610; Baldwin 15353 to 15355, 15357 to 15361.

²⁸⁶ Acts 1905, 1927; Burns 9-806, 9-901, 9-908; Baldwin 2102, 2123, 2131.

²⁸⁷ Acts 1905; Burns 9-826; Baldwin 2122.

²⁸⁸ Acts 1905; Burns 9-801; Baldwin 2097.

²⁸⁹ Acts 1905; Burns 9-901; Baldwin 2123.

²⁹⁰ 2 Rev. Stat. 1852; Burns 49-2504; Baldwin 5460.

²⁹¹ Acts 1905, 1927; Burns 9-908; Baldwin 2131.

existed in Vanderburgh County since its organization.²⁹² As law enforcement officers, they have identical powers and duties;²⁹³ in practice, however, the coroner performs few of these duties, except in the absence or incapacity of the sheriff. These officers make arrests in accordance with warrants issued by courts having criminal jurisdiction or by the clerk of the circuit court, and based on indictments returned by the grand jury or affidavits filed with the courts.²⁹⁴ Writs of arrest may also be issued by the coroner, when the results of an inquest indicate that murder was committed.²⁹⁵ Arrest without warrant can be made for a felony, where the arresting officer has reliable information of the commission of the crime by the person arrested; and arrest without warrant can be made for a felony or misdemeanor committed within view of the arresting officer.²⁹⁶ A warrant issued to the sheriff of the county in which the indictment was found or the affidavit was filed may be executed by him in any county of the state.²⁹⁷

The constitution provides that all judicial officers shall be conservators of the peace in their respective jurisdictions,²⁹⁸ and that all criminal prosecutions shall be carried on in the name, and by the authority, of the state.²⁹⁹

The county jail is maintained by the county,³⁰⁰ the sheriff being responsible for its management.³⁰¹ Inspection or investigation is made by the grand jury at the beginning of each regular session,³⁰² and by the board of commissioners every three months.³⁰³

²⁹² Both were established by the Constitution of 1816, art. 4, sec. 25, and re-established by the present constitution, art. 6, sec. 2.

²⁹³ 2 Rev. Stat. 1852, Acts 1933; Burns 49-2901; Baldwin 5436.

²⁹⁴ Acts 1881 (Spec. Sess.); Burns 3-302; Baldwin 725.

²⁹⁵ 2 Rev. Stat. 1852; Burns 49-2914; Baldwin 5448.

²⁹⁶ *Doering v. State*, 49 Ind. 56, 19 Am. Rep. 663; *Hart v. State*, 195 Ind. 384, 145 N. E. 449.

²⁹⁷ Acts 1905, 1937; Burns, 1938 suppl., 9-1001; Baldwin, 1937 suppl., 2134.

²⁹⁸ Const., art. 7, sec. 15.

²⁹⁹ *Ibid.*, sec. 18.

³⁰⁰ 1 Rev. Stat. 1852; Burns 13-1001; Baldwin 13448.

³⁰¹ 1 Rev. Stat. 1852; Burns 13-1004; Baldwin 13453.

³⁰² 1 Rev. Stat. 1852; Burns 13-1002; Baldwin 13449.

³⁰³ Acts 1909; Burns 13-1008; Baldwin 13460.

EDUCATION

The public school system of Indiana began with the Ordinance of 1787.³⁰⁴ The first financial support for a public school system came from sale of lands of section 16 of each Congressional township.³⁰⁵ Interest in education was not shown in the state before 1850, and it was not until after the Constitution of 1851 and the school law of 1852 that education received any serious attention.³⁰⁶ The school law of 1865 brought the most complete revision.³⁰⁷

The constitution provides that the general assembly shall encourage and provide for a general and uniform system of common schools.³⁰⁸

Several sources of revenue specified in the Constitution of 1851 were grouped into one fund which became known as the common school fund.³⁰⁹ With the growth of this fund, there came an increase in enrollment and in the length of the school term, and though many schools were consolidated, there was an increase in the valuation of school property.

In 1865, the enrollment in the common schools of Vanderburgh County was 4,678 pupils. The length of the term averaged 99 days. At this time there was only one high school, located in Evansville.³¹⁰

By 1885, the enrollment in the public schools had mounted to 7,973 pupils, and the length of the term had grown to 181 days. There were 72 school buildings in the county, including the one high school at Evansville, and four in process of construction, though most of them were one-room schools. The valuation of all the school property was \$527,975.³¹¹

Statistics for 1938 show that Vanderburgh County now has 21,531 pupils school in 47 school units, of which 5 are high schools. The length of the school term in Evansville has become 190 days and in the remainder of the county, 166 days; the total valuation is now \$139,192,050.³¹²

³⁰⁴ Ordinance 1787, art. 3.

³⁰⁵ U. S. Stat. 3:289, sec. 6 (1); Burns, vol. 1, p. 302.

³⁰⁶ Const., art. 8; Acts 1852.

³⁰⁷ Acts 1865; Burns 28-101; Baldwin 6499.

³⁰⁸ Const., art. 8, sec. 1.

³⁰⁹ Const., art. 8, secs. 2-7. Burns 28-101; Baldwin 6499.

³¹⁰ *Annual Report of the State Superintendent of Public Instruction*, 1865.

³¹¹ *Annual Report of the State Superintendent of Public Instruction*, 1885-86.

³¹² *Ibid.*, 1938.

There are three types of school organizations. The schools that are commonly known as county schools are, in reality, township schools and are operated by the township trustee. There are also town and city schools. These are operated in a similar manner by school boards. For school purposes, cities of over 58,000 (Evansville) are classified according to population, and separate statutes govern each classification.³¹³

The county superintendent, who is elected by the township trustees, has charge of each township institute, aids the trustee in the supervision of the township schools, and carries out all orders and instructions of the state superintendent of public instruction and the state board of education.³¹⁴ He has no supervision of city or town schools.³¹⁵

The township trustees, the county superintendent, and the chairman of the school trustees of Evansville compose the county board of education. However, the city and town trustees do not take an active part in the business of the board. The board meets semiannually and considers the general needs of the schools.³¹⁶

Attendance is compulsory in all the schools in the county for every child between the ages of seven and sixteen. Exceptions are based on physical or mental condition and on court decisions.³¹⁷

In 1816, the Congressional township fund was provided for the development of the public school system. The fund was composed of the proceeds of the sale of the lands of section 16 of every Congressional township.³¹⁸ The fund was not very well handled during these years, and the public schools were allowed to struggle on as best they could.³¹⁹

By 1850, the people of the state were convinced that something more should be done for the support of the school system. Acts of the general assembly diverted moneys from various sources (enumerated below) to the schools, but negligent—not to say, in some instances, fraudulent—management oftentimes de-

³¹³ Acts 1905, 1921; Burns 28-1202; Baldwin 5693.

³¹⁴ Acts 1899, 1911, 1913; Burns 28-702, 28-704; Baldwin 5931, 5938.

³¹⁵ Acts 1899; Burns 28-705; Baldwin 5940.

³¹⁶ Acts 1873, 1877; Burns 28-801; Baldwin 5983. Interview with Grover Van Duyn, assistant state superintendent of public instruction.

³¹⁷ Acts 1921; Burns 28-505; Baldwin 6698.

³¹⁸ U. S. Stat. 3:289, sec. 6 (1); Burns, vol. 1, p. 302.

³¹⁹ Logan Esarey, *History of Indiana* (1924), 2:679, sec. 122.

pleted adequate provision for education. Thus the Constitution of 1851 established the common school fund³²⁰—composed of the Congressional township fund and the lands belonging thereto; the United States surplus revenue; the bank tax fund; the saline fund and the lands belonging thereto; the funds to be derived from the sale of county seminaries; fines and forfeitures; and the proceeds from the sales of all lands that belonged to the state in 1851.³²¹

The constitution further provided that the principal of the common school fund remain a perpetual fund and be invested so that it might increase but never diminish; and that only the interest earned by the fund may be expended.³²² The general assembly was given the right to invest all funds that were not already under the supervision of the counties; and it was to distribute the interest to the counties.³²³ Interest at the rate of five percent is charged on the common school fund and on the Congressional township fund. For the school year of 1937-38, Vanderburgh County received a total of \$28,398.27 from the interest on the common school fund, and a total of \$939.84 from the Congressional township fund.³²⁴ These funds are for tuition purposes of the school. Since 1865 they have been kept by the county auditor as separate funds.³²⁵

Each county is held liable for the preservation of the funds entrusted to it, and for the payment of the annual interest.³²⁶

In 1933, the general assembly inaugurated a plan for state aid to the schools. There are three main sources of funds that are returned to the county.

From the general fund based on revenue collected as gross income tax, the state supplies the county with tuition support of not less than \$700 annually for each teaching unit of 35 pupils in average daily attendance in grades one to eight and for each unit of 25 pupils in average daily attendance in grades nine to twelve.³²⁷ The total amount received

³²⁰ Const., art. 8, secs. 2-7.

³²¹ Const., art. 8, sec. 2. Acts 1865; Burns 28-101; Baldwin 6499.

³²² Const., art. 8, sec. 3.

³²³ Const., art. 8, sec. 4.

³²⁴ *Annual Report of the State Superintendent of Public Instruction, 1937-38.*

³²⁵ Acts 1865; Burns 28-106; Baldwin 6512.

³²⁶ Const., art. 8, sec. 6. Acts 1865; Burns 28-104; Baldwin 6499-1.

³²⁷ Acts 1933, 1935, 1937; Burns 28-1001, 28-1002; Baldwin 6502, 6503.

by Vanderburgh County from this source during the 1937-38 school year was \$404,600.³²⁸

From the moneys collected by the excise tax on alcoholic beverages, one-third is distributed to the school corporations on the basis of average daily attendance (which took the place of the enumeration).³²⁹ Vanderburgh County received \$22,-065.69 from this source for the school year 1937-38.³³⁰

A state stamp tax on intangible property has further provided financial aid to the schools. The money is collected and held separate from the general fund. Of the total amount, 10 percent is kept by the state for the expense of administering that tax, and the remaining amount is apportioned to the counties in the proportion that the assessed valuation of real property in each county bears to the aggregate assessed valuation of real property in the state. The county then retains for its general fund one-fourth of the amount received and distributes the remainder to the school taxing units. Apportionment among such units is based on assessed valuation of real property of the county.³³¹ For the school year 1937-38 the school taxing units of Vanderburgh County received \$40,686.76 from this source.³³²

In 1933, the common school relief fund was established for the purpose of aiding schools to continue in operation. The fund is derived from a seven-cent tax levy on each \$100 of taxable property, real or personal, and a poll tax of 50 cents on each taxable poll.³³³ Any school needing financial aid must file a certificate with the county superintendent of schools stating its needs.³³⁴ The county superintendent forwards the certificate to the state board of education,³³⁵ and this board and the state board of accounts must examine the certificate and decide on the amount to be allotted to the school unit.³³⁶ The money received must first be used to pay any unpaid items of operating expenses; and any surplus

³²⁸ *Annual Report of the State Superintendent of Public Instruction, 1937-38.*

³²⁹ Acts 1935; Burns 12-811; Baldwin 3764-40f.

³³⁰ *Annual Report of the State Superintendent of Public Instruction, 1937-38.*

³³¹ Acts 1933; Burns 64-922; Baldwin 15920.

³³² *Annual Report of the State Superintendent of Public Instruction, 1937-38.*

³³³ Acts 1933; Burns 28-901; Baldwin 6431.

³³⁴ Acts 1933; Burns 28-903; Baldwin 5433.

³³⁵ Acts 1933; Burns 28-904; Baldwin 6434.

³³⁶ Acts 1933; Burns 28-905; Baldwin 6435.

must be used for the operating expenses of the current year.³³⁷ Vanderburgh County, in the school year of 1937-38, received \$53,164.98 from this fund.³³⁸

The school cities, towns, and townships may levy property taxes or poll taxes³³⁹ for the following school purposes: Renting, repairing, and constructing schoolhouses; furnishings, apparatus, fuel, tuition, and other current expenses;³⁴⁰ to enforce compulsory education and keep poor children in school;³⁴¹ to provide rooms and equipment for the teaching of agriculture, domestic science, physical culture, and practical mental culture;³⁴² establishment of vocational schools;³⁴³ and for the retirement of school bonds.³⁴⁴

PUBLIC WORKS AND PROPERTY

The board of commissioners has power: To make orders respecting the property of the county in conformity to law; to sell the public grounds of the county on which public buildings are situated, and to purchase in lieu thereof, in the name of the county, other grounds in the county seat on which such buildings shall be erected; to purchase other lands for the enlargement of the public square, and to take care of and preserve such property; to grant licenses, permits, or franchises with respect to the use of the property of the county.³⁴⁵ No sale, conveyance, or purchase, by the board, of real estate of the value of \$1,000 can take place except pursuant to ordinance of the county council authorizing such sale or purchase and fixing the terms and conditions thereof.³⁴⁶ The board cannot sell county property, real or personal, except at public auction after 60 days' notice by publication and posting.³⁴⁷

³³⁷ Acts 1933, 1935; Burns, 1938 suppl., 28-907; Baldwin 6437.

³³⁸ *Annual Report of the State Superintendent of Public Instruction*, 1937-38.

³³⁹ Acts 1919; Burns 64-101; Baldwin 15514.

³⁴⁰ Acts 1865, 1873, 1905, 1917; Burns 28-1101; Baldwin 6442.

³⁴¹ Acts 1921; Burns 28-513; Baldwin 6706.

³⁴² Acts 1913; Burns 28-3421; Baldwin 6468.

³⁴³ Acts 1913; Burns 28-4902; Baldwin 6448.

³⁴⁴ Acts 1937; Burns, 1938 suppl., 28-3218; Baldwin, 1937 suppl., 6623-11.

³⁴⁵ 1 Rev. Stat. 1852, Acts 1935; Burns, 1938 suppl., 26-620; Baldwin, 1935 suppl., 5236.

³⁴⁶ Acts 1899; Burns 26-534; Baldwin 5399.

³⁴⁷ Acts 1907; Burns 26-2008; Baldwin 5107.

ROADS AND BRIDGES

The board of commissioners has power to construct and maintain roads³⁴⁸ and bridges.³⁴⁹ Generally, the preliminary procedure for such construction is as follows: Taxpayers file with the board of commissioners a petition requesting the improvement; notice of hearing before the board is published; taxpayers opposing the petition file remonstrances; viewers are appointed by the board to make inspection and recommendations; damages to landowners are determined; the petition is finally approved; a contract for the work is let; and the damages are paid. In some instances, bonds may be issued for the construction of roads³⁵⁰ and bridges,³⁵¹ and special assessment liens charged against the land benefited by the road.³⁵² The county may render financial assistance to the state highway commission in the construction of any state highway located wholly within the county, and any bridge (on such highway) over a stream forming the county boundary.³⁵³

The highway supervisor appointed by the board, prepares plans and specifications for, and has general supervision of, the maintenance and repair of all roads, bridges, and culverts which are maintained from the highway fund of the county.³⁵⁴ He makes maps of all county roads, and gives each road a name or number, so that the roads may be efficiently patrolled for making repairs.³⁵⁵ Weeds must be cut and removed each year between June 15 and September 1.³⁵⁶

³⁴⁸ Acts 1905, 1907; Burns 36-201 *et seq.*; Baldwin 8756 *et seq.* Acts 1919; Burns 36-301 *et seq.*; Baldwin 8859 *et seq.* Acts 1907; Burns 36-401 *et seq.*; Baldwin 8992 *et seq.* Acts 1919; Burns 36-501 *et seq.*; Baldwin 8879 *et seq.* Acts 1923; Burns 36-1001; Baldwin 9020. Acts 1905; Burns 36-1204; Baldwin 8807. Acts 1905; Burns 36-1301 *et seq.*; Baldwin 8787 *et seq.* Acts 1921; Burns 36-1401 *et seq.*; Baldwin 8904 *et seq.*

³⁴⁹ Acts 1905, 1907, 1929; Burns 36-1901; Baldwin 9236. Acts 1905, 1911, 1913; Burns 36-2001 Baldwin 9191. Acts 1903, 1923; Burns 36-2002; Baldwin 9192. Acts 1920; Burns 36-2401 *et seq.*; Baldwin 9151 *et seq.*

³⁵⁰ Acts 1905; Burns 36-1308; Baldwin 8794. Acts 1921; Burns 36-1435 to 36-1443; Baldwin 8938 to 8946. Acts 1937; Burns, 1938 suppl., 36-332; Baldwin, 1937 suppl., 8859-1.

³⁵¹ Acts 1920 (Spec. Sess.); Burns 36-2402; Baldwin 9152. Acts 1927; Burns 36-2421; Baldwin 9171. Acts 1929, 1937; Burns, 1938 suppl., 36-2432; Baldwin, 1937 suppl., 9182. Acts 1927; Burns 36-2441; Baldwin 9128.

³⁵² Acts 1905; Burns 36-1308; Baldwin 8794. Acts 1921; Burns 36-1412 to 36-1414; Baldwin 8915 to 8917.

³⁵³ Acts 1923, 1929; Burns 36-136 to 36-141; Baldwin 8672 to 8675, 8678, 8679.

³⁵⁴ Acts 1933; Burns 36-1102, 36-1110; Baldwin 8700, 8078.

³⁵⁵ Acts 1933; Burns 36-1109; Baldwin 8077.

³⁵⁶ Acts 1939, ch. 140, sec. 1.

All expenses incurred in the maintenance, repair, and preservation of county roads must be paid out of funds received by the county from the motor vehicle highway account of the state; and no tax can be levied for such purpose except by the unanimous vote of the county council in case of extraordinary emergency or indispensable necessity.³⁵⁷

DRAINAGE

Drainage districts and special assessment liens on the land in the benefited area, to pay the drainage, may be established by the circuit court or superior court on petition of landowners, after reference to the surveyor.³⁵⁸ The petition will be dismissed if owners of two-thirds of the land affected remonstrate within 20 days.³⁵⁹ If the original assessment is insufficient to complete the work, an additional assessment may be ordered after report of the surveyor, notice to the landowners, and hearing by the court.³⁶⁰ After assessments are adjusted and confirmed, they are placed on the ditch duplicate and collected in the same manner in which taxes are collected.³⁶¹

The county surveyor has general supervision of the construction and maintenance of all ditches, drains, and levees. He makes all necessary surveys, maps, plans, and specifications when courts grant petitions for construction.³⁶² The law requires that open ditches be cleaned out and repaired biennially, and that weeds, willows, and debris be removed therefrom annually, and that public tile drains be repaired whenever necessary.³⁶³

The board of commissioners may, by purchase or eminent domain, acquire lands and rights necessary to obtain a right-of-way for drainage or easement for sewers, when necessary for the proper maintenance of any county building or institution.³⁶⁴

³⁵⁷ Acts 1932 (Spec. Sess.); Burns 36-905; Baldwin 8715. Acts 1937; Burns, 1938 suppl., 36-2806; Baldwin, 1937 suppl., 8695-6. Acts 1937, 1939; Burns, 1939 suppl., 36-2804; Baldwin, 1939 suppl., 8695-4.

³⁵⁸ Acts 1933; Burns 27-104, 27-109, 27-116, 27-134; Baldwin 5740, 5745, 5752, 5770.

³⁵⁹ Acts 1933; Burns 27-108; Baldwin 5744.

³⁶⁰ Acts 1933; Burns 27-122; Baldwin 5758.

³⁶¹ Acts 1933; Burns 27-134; Baldwin 5770.

³⁶² Acts 1933; Burns 27-101, 27-201; Baldwin 5737, 5775. 1 Rev. Stat. 1852; Acts 1911; Burns 49-3309; Baldwin 5508.

³⁶³ Acts 1933, 1935; Burns, 1938 suppl., 27-203, 27-210; Baldwin, 1935 suppl., 5777, 5784.

See Acts 1939, ch. 68.

³⁶⁴ Acts 1937; Burns, 1938 suppl., 26-640; Baldwin, 1937 suppl., 5236-6.

PUBLIC BUILDINGS

The law provides that the board of commissioners must cause a courthouse, jail, and public offices for the clerk, recorder, treasurer and auditor to be erected and furnished, where the same has not been done; and must keep all the public buildings of the county in repair; and that such offices must be fireproof, if practicable.³⁶⁵

For the purpose of acquiring a new courthouse, the board, without appraisement and without authority from the county council, may sell to the state any lands of the county containing public buildings, and buy other land for courthouse grounds. The proceeds of sale can be used only for such purpose. Additional funds for such purpose may be raised by issuing bonds or notes.³⁶⁶

If the courthouse or jail is wholly or partly destroyed by fire or windstorm, it may be reconstructed or repaired by the board, and bonds issued therefor, and a tax levied to pay for the bonds.³⁶⁷

County buildings, not needed by the courts or for county business, may be leased to the city or town in which such buildings are located for a term not exceeding 10 years in any one lease,³⁶⁸ or to private persons or corporations for a term not exceeding five years.³⁶⁹ The board may construct and maintain public halls, and provide a custodian, janitor, lights, and heat therefor; and may join with a city for such purpose, or sell such halls to a city or town.³⁷⁰ The board may erect soldiers' monuments³⁷¹ and memorial buildings.³⁷²

Contracts for construction of public buildings may be let by the board of commissioners in pursuance of appropriation by the county council,³⁷³ after plans and specifications adopted by the board have remained in the auditor's office 30 days open to public inspection, notice inviting bids has been published, and bids, affidavits, and bonds have been received from bidders.³⁷⁴

³⁶⁵ 1 Rev. Stat. 1852; Burns 26-624; Baldwin 5240.

³⁶⁶ Acts 1917, 1920 (Spec. Sess.); Burns 26-2201 to 26-2210; Baldwin 5165 to 5174.

³⁶⁷ Acts 1935; Burns, 1938 suppl., 26-2011; Baldwin, 1935 suppl., 5240-1.

³⁶⁸ Acts 1909; Burns 26-1801 to 26-1804; Baldwin 5151 to 5154.

³⁶⁹ Acts 1919; Burns 26-1805 to 26-1810; Baldwin 5155 to 5160.

³⁷⁰ Acts 1903; Burns 26-1901 to 26-1906; Baldwin 5146 to 5164.

³⁷¹ Acts 1865, 1891; Burns 26-1701; Baldwin 5298.

³⁷² Acts 1913; Burns 26-1707; Baldwin 5132.

³⁷³ Acts 1899; Burns 26-525; Baldwin 5389.

³⁷⁴ Acts 1899; Burns 26-537; Baldwin 5402. Acts 1907; Burns 26-2001 to 26-2005; Baldwin

OTHER PUBLIC PROPERTY

The board of commissioners may, without petition, purchase or otherwise acquire lands within the county for park purposes and make the necessary improvements thereof.³⁷⁵ If 200 persons, who are taxpayers and voters, petition the board to acquire land for park purposes, the board gives 60 days' notice by publication and conducts a public hearing on the question. If 20 percent of the resident taxpayers file remonstrances on or before the day fixed for hearing, the petition will be dismissed.³⁷⁶ The board may acquire land to convey to the state for park purposes, on petition of 200 persons who are taxpayers and voters, publication of 30 days' notice, public hearing, consent of the governor and the director of the state department of conservation, fixing tax levy, and issuing bonds (if needed). The petition will be dismissed if 25 percent of the resident taxpayers file remonstrances before the date fixed for hearing.³⁷⁷

The board of commissioners may acquire, by purchase or gift, any lands within the county for the purpose of a permanent public forest.³⁷⁸ Purchase for such purpose may be made on petition signed by 50 or more freeholders of the county, after publication of notice, a public hearing, and fixing a tax levy to pay for same. Money may be raised by bond issue or temporary loan.³⁷⁹ A gift of lands to the county on condition that they be maintained as a public forest can be accepted only by a majority of the board of commissioners and county council in joint session.³⁸⁰ Any taxpayer may appeal to the circuit court.³⁸¹

Saline and meander lands bordering on lakes and streams, owned by the state, may be purchased by the county to be used for a public park or public forest, or both, on order of the board of commissioners, by filing petition with the circuit or superior court, appraisal of lands, and payment of value.³⁸²

The board may permit county lands within one and one-half miles of a city or town to be used by such city or town

³⁷⁵ Acts 1923, 1927; Burns 26-1501; Baldwin 5199.

³⁷⁶ Acts 1923; Burns 26-1503, 26-1504; Baldwin 5201, 5202.

³⁷⁷ Acts 1927; Burns 26-1512 to 26-1516; Baldwin 5190 to 5194.

³⁷⁸ Acts 1929; Burns 32-101; Baldwin 4875.

³⁷⁹ Acts 1929, 1935; Burns, 1938 suppl., 32-102; Baldwin, 1935 suppl., 4876.

³⁸⁰ Acts 1929; Burns 32-105; Baldwin 4879.

³⁸¹ Acts 1929, 1935; Burns, 1938 suppl., 32-109; Baldwin, 1935 suppl., 4881.

³⁸² Acts 1929; Burns 62-217 to 62-225; Baldwin 15260 to 15268.

for park purposes. Title to the land remains in the county.³⁸³

The board, on petition of a majority of the voters in the county, may purchase land to be used for fair grounds,³⁸⁴ and thereafter sell such lands or any part thereof, if it is no longer an eligible location for fairs.³⁸⁵

The county may, separately or in conjunction with another county or city, acquire, maintain, and dispose of airports and appurtenances necessary and useful in connection therewith.³⁸⁶

Lands conveyed to the board of commissioners for the purpose of a public or private cemetery shall be held by the board forever in trust for such purpose,³⁸⁷ subject to the exceptions hereinafter stated. The board, in which title is vested, may convey any public cemetery to any city or town within the vicinity thereof on application of such city or town,³⁸⁸ and may convey any cemetery, public or private, to a cemetery association on petition of a majority of the persons, being residents of the county and heads of families, whose dead are buried in the cemetery.³⁸⁹

COUNTY PLANNING

A county planning commission was established in Vanderburgh County in 1936, under an act of 1935,³⁹⁰ for the purpose of providing safe and pleasant living conditions and proper utilization of natural, agricultural, and industrial resources and facilities.³⁹¹ It is the duty of the commission to adopt a master plan for such purpose, covering a ten-year period.³⁹² After the adoption of the master plan, no county highway, park, forest, reservation, or buildings shall be constructed or authorized by any board, officer, or commission until submitted to the planning commission for advice and recommendation.³⁹³

³⁸³ Acts 1911; Burns 26-1526 to 26-1531; Baldwin 5181 to 5186.

³⁸⁴ Acts 1873; Burns 26-1517, 26-1518; Baldwin 5330, 5331.

³⁸⁵ Acts 1873; Burns 26-1519; Baldwin 5332.

³⁸⁶ Acts 1920 (Spec. Sess.), 1921; Burns 14-301 to 14-306; Baldwin 4021, 7991, 4023 to 4026.

³⁸⁷ 1 Rev. Stat. 1852; Burns 25-1520; Baldwin 10599.

³⁸⁸ Acts 1905; Burns 48-6003; Baldwin 12665.

³⁸⁹ Acts 1881 (Spec. Sess.); Burns 21-210, 21-211; Baldwin 4626, 4627.

³⁹⁰ Acts 1935; Burns, 1938 suppl., 26-2301; Baldwin, 1935 suppl., 5205-1.

³⁹¹ Acts 1935; Burns, 1938 suppl., 26-2301; Baldwin, 1935 suppl., 5205-1.

³⁹² Acts 1935; Burns, 1938 suppl., 26-2304, 26-2308; Baldwin, 1935 suppl., 5205-4, 5205-8.

³⁹³ Acts 1935; Burns, 1938 suppl., 26-2307; Baldwin, 1935 suppl., 5205-7.

The commission may prepare and submit to the board of commissioners drafts of ordinances for the purpose of carrying out the master plan, including zoning or land use regulations.³⁹⁴

SOCIAL SERVICE

Since the beginning of the twentieth century, the functions of government have become more concerned with the sociological aspects of our society. As a result of this development, we have a complicated system of laws dealing with health and sanitation; assistance to the poor, aged, and crippled; aids to agriculture; inspection of commodities; and traffic control of county highways.

The board of commissioners makes suitable rules and regulations covering traffic on highways in the county, and takes steps necessary to enforce the rules. If the highway is on a county line, the boards of commissioners of the respective counties, in joint session, make the rules.³⁹⁵ The highway supervisor has police power in the control of the highways of the county and may fix the limits of the loads for any highway, bridge, or culvert.³⁹⁶

The miners' examination board issues certificates to coal miners, after examination to determine competency of the applicant; and no person may be employed as a coal miner in the county without such certificate.³⁹⁷ Persons desiring to learn coal mining must obtain a permit from the board and must work with, or under the direction of, a qualified miner.³⁹⁸

The statewide interest in agriculture was so strong in 1851 that the constitution of that year provided that agricultural improvement should be encouraged.³⁹⁹ Later the office of agricultural agent was established for the purpose of furthering local agriculture education, and for co-operating with and advising farmers and teachers.⁴⁰⁰ Allowances may be made out of the county's general fund to agricultural societies for the promotion of agricultural and horticultural interest.⁴⁰¹

³⁹⁴ Acts 1935; Burns, 1938 suppl., 26-2309; Baldwin, 1935 suppl., 5205-9.

³⁹⁵ Acts 1919; Burns 36-706; Baldwin 8899.

³⁹⁶ Acts 1933; Burns 36-1102, 36-1110; Baldwin 8700, 8708.

³⁹⁷ Acts 1923; Burns 46-1003, 46-1006, 46-1007, 46-1009; Baldwin 11073.

³⁹⁸ Acts 1923; Burns 46-1003; Baldwin 11073.

³⁹⁹ Const., art. 8, sec. 1.

⁴⁰⁰ Acts 1913, 1923, 1937; Burns 28-4911; Baldwin 6457.

⁴⁰¹ Acts 1877; Burns 15-314; Baldwin 5333.

HEALTH

The county has a health officer,⁴⁰² who is responsible to the board of commissioners and the state board of health.⁴⁰³ This local officer is really the agent of the state health officers; and, as such, he performs the duties of local health administration.

As an aid to the prevention of the pollution of water courses,⁴⁰⁴ the health officer sends samples of the water to the state laboratory for inspection. The county health officer serves as an inspector, under direction⁴⁰⁵ of the state board, in cases of questionable foods and drugs. He endeavors to promote sanitary conditions for the sale of food.⁴⁰⁶

It is the duty of the local health officer to abate conditions promoting diseases;⁴⁰⁷ to disinfect public conveyances;⁴⁰⁸ to order the vacation of dwellings unfit for human habitation;⁴⁰⁹ to quarantine contagious and infectious diseases;⁴¹⁰ to remove sick from hotels, boarding houses, and other buildings of like character;⁴¹¹ and to abate public nuisances.⁴¹²

The state board distributes scarlet fever and tetanus antitoxin, antirabic virus, insulin,⁴¹³ pneumonia serum, diphtheria toxoid, smallpox virus, and typhoid vaccine⁴¹⁴ to the county, which pays for them and furnishes them to the poor free of charge.

A recent statute provides that all persons applying to the clerk of the circuit court for a marriage license must present a certificate from a licensed physician stating that the applicant is free from syphilis in an infectious state. Before giving such certificate, the physician must have a blood specimen of the applicant examined by the laboratory of the state board of health or a laboratory approved by the board. The test

⁴⁰² Acts 1935; Burns, 1938 suppl., 35-118; Baldwin, 1935 suppl., 8404-1.

⁴⁰³ Acts 1935; Burns, 1938 suppl., 35-123; Baldwin, 1935 suppl., 8404-6.

⁴⁰⁴ Acts 1909; Burns 35-201; Baldwin 8410.

⁴⁰⁵ Acts 1907; Burns 35-1207; Baldwin 8476.

⁴⁰⁶ Acts 1909; Burns 35-1009; Baldwin 8512.

⁴⁰⁷ Acts 1891, 1909; Burns 35-111; Baldwin 8405.

⁴⁰⁸ Acts 1903; Burns 35-410; Baldwin 8540.

⁴⁰⁹ Acts 1917; Burns 35-1801; Baldwin 8563.

⁴¹⁰ Acts 1903; Burns 35-403; Baldwin 8533.

⁴¹¹ Acts 1903; Burns 35-407; Baldwin 8537.

⁴¹² Acts 1891, 1909; Burns 35-111; Baldwin 18405.

⁴¹³ Acts 1907, 1919, 1929, 1935; Burns, 1938 suppl., 35-701; Baldwin, 1935 suppl., 13392.

⁴¹⁴ Acts 1939, ch. 5.

must be made not more than 30 days before the application for a license. This law does not go into effect until March 1, 1940.⁴¹⁵

Before the turn of the century, the maintenance of hospitals had been left largely to cities and private associations; but laws now provide for the establishment and maintenance of hospitals by the board of commissioners whenever they find need for them,⁴¹⁶ on the petition of resident freeholders,⁴¹⁷ or in co-operation with private associations.⁴¹⁸ Training schools for nurses,⁴¹⁹ detention departments for insane patients,⁴²⁰ tuberculosis departments,⁴²¹ and veterinary laboratories⁴²² are maintainable in connection with these hospitals. The board of commissioners has established and now maintains a tuberculosis hospital⁴²³ (Boehne Tuberculosis Hospital). The county hospital is for the benefit of all inhabitants of the county; of any person falling sick or being injured within its limits; and of any nonresidents to whom the hospital board may extend its benefits. All persons who are financially able must pay for medical attention furnished them.⁴²⁴ Township trustees pay for care given indigent patients from their respective townships.⁴²⁵

VITAL STATISTICS

In Indiana the collection of vital statistics is supervised by the state board of health.⁴²⁶ The county health officer makes the collection of local data on forms supplied by the state board of health, and periodically turns over to the board reports of all records. The health officer collects statistics of births, deaths, marriages, and communicable diseases; and physicians, midwives, and all responsible householders are required to notify him.⁴²⁷

⁴¹⁵ Acts 1939, ch. 100.

⁴¹⁶ Acts 1903, 1939; Burns, 1938 suppl., 22-3201; Baldwin, 1939 suppl., 4507.

⁴¹⁷ Acts 1917, 1919, 1921, 1925, 1927, 1929; Burns 22-3215, 22-3216; Baldwin 4517, 4537.

⁴¹⁸ Acts 1903, 1905; Burns 22-5202; Baldwin 4508.

⁴¹⁹ Acts 1917, 1923; Burns 22-3233; Baldwin 4531.

⁴²⁰ Acts 1917; Burns 22-3234; Baldwin 4532.

⁴²¹ Acts 1917; Burns 22-3235; Baldwin 4533.

⁴²² Acts 1917; Burns 22-3236; Baldwin 4534.

⁴²³ Acts 1913, 1917, 1927; Burns 22-3301; Baldwin 4478.

⁴²⁴ Acts 1917; Burns 22-3229; Baldwin 4527.

⁴²⁵ Acts 1903, 1917; Burns 22-3206, 22-3237; Baldwin 4512, 4535.

⁴²⁶ Acts 1907, 1913; Burns 35-116; Baldwin 8399.

⁴²⁷ Acts 1907, 1913; Burns 35-115; Baldwin 8398.

All birth reports are to be made to the health officer within 36 hours after birth. A child that lives and breathes after birth, no matter how brief the period, and regardless of the period of gestation, is a living child; and if he thereafter dies, his birth and death must be reported and recorded.⁴²⁸

Deaths are reported as soon as possible because a body may not be buried until a burial permit has been made by the health officer in charge, and burial permits are not issued until the death certificate is completed. Burial may be made anywhere in the state regardless of the county in which the permit was issued. When a death occurs outside the state, and the body is brought into the state for interment, the burial permit must be based on the transportation permit, and no record of said death is required. If death has occurred by means of violence or criminal practices, the death notice is referred to the coroner.⁴²⁹ The burial permit is preserved with the records of the cemetery.⁴³⁰

The clerk of the circuit court issues all marriage licenses, and makes a monthly report of all marriages to the county health officer. The health officer records each marriage in his record book, and sends a quarterly report to the state board of health. All marriages must be reported by the person performing same, within three days on official blanks, to the clerk of the circuit court of the county where the license was issued.⁴³¹

Weekly reports, provided by the United States Public Health Service, summarizing all communicable diseases, are made by the local health officers to the state board of health. The report, stating such to be the case, is made even if there are no diseases to report.⁴³²

The heads of all institutions, such as hospitals, poor asylums, and places of confinement are required to keep all statistics concerning the inmates and make reports directly to the state board of health as required by the board.⁴³³

⁴²⁸ Acts 1907, 1911, 1913; Burns 35-115, 35-901; Baldwin 8398, 8558. Rule 4 of state board of health.

⁴²⁹ Acts 1907, 1913; Burns 35-115; Baldwin 8398. Rule 3 of state board of health.

⁴³⁰ Acts 1939, ch. 142, sec. 21.

⁴³¹ Acts 1907, 1913; Burns 35-115; Baldwin 8398. Rule 5 of state board of health.

⁴³² Acts 1907, 1913; Burns 35-115; Baldwin 8398. Rule 6 of state board of health.

⁴³³ Acts 1907, 1913; Burns 35-117; Baldwin 8400.

WELFARE ASSISTANCE

An important service is the administration of the Public Welfare Act. Welfare assistance is supervised by the county welfare board.

An applicant for old-age assistance must be 65 years old; must be a citizen of the United States; must have lived in the state for five years out of the last nine, the last year continuously; must be in need; must not be an inmate of a municipal, state, or national institution; and must not have assigned his property within the five years immediately prior to his application.⁴³⁴ He must name all property in which he has an interest and any other income he has,⁴³⁵ agree to reimburse the county for assistance given him, and assign as collateral security such part of his personal property as the county department of public welfare may require.⁴³⁶ After an investigation of his needs, the county department grants him assistance, never exceeding \$30 a month.⁴³⁷ A copy of the certificate is filed in the office of the recorder, and constitutes a lien on any real property he owns.⁴³⁸ With the consent of the state department of welfare, the county department may demand a transfer of all property he owns, on the sole condition that if assistance is suspended or if he dies the property revert to him or his estate, subject to a lien for sums the state has paid him.⁴³⁹

A blind applicant must be 21 years old if a male and 18 years old if a female; must be a citizen of the United States; must have lost his eyesight while a resident of the state or have lived in the state five of the last nine years, the last year continuously; must be in need; must not be an inmate of a municipal, state, or national institution; must not have transferred his property within the five years immediately prior to his application; and must not solicit alms while receiving assistance.⁴⁴⁰ The amount he receives is determined by the county after an investigation of his needs⁴⁴¹ and never

⁴³⁴ Acts 1936 (Spec. Sess.), 1937; Burns, 1938 suppl., 52-1201; Baldwin, 1937 suppl., 14078-32.

⁴³⁵ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1204; Baldwin, 1937 suppl., 14078-35.

⁴³⁶ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1213; Baldwin, 1937 suppl., 14078-44.

⁴³⁷ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1203; Baldwin, 1937 suppl., 14078-34.

⁴³⁸ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1207; Baldwin, 1937 suppl., 14078-38.

⁴³⁹ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1214; Baldwin, 1937 suppl., 14078-45.

⁴⁴⁰ Acts 1936 (Spec. Sess.), 1937; Burns, 1938 suppl., 52-1221; Baldwin, 1937 suppl., 14078-52.

⁴⁴¹ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1225; Baldwin, 1937 suppl., 14078-56.

exceeds \$30 a month,⁴⁴² except as temporary assistance is given for treatment of his eyes.⁴⁴³ Blind children may be sent to the school for the blind at Indianapolis.⁴⁴⁴

A dependent or destitute child must have lived in the state one year preceding his application for assistance or be born within the state during the year, his mother having resided in the state one year before his birth.⁴⁴⁵ A destitute child⁴⁴⁶ may receive as much as \$23 a month,⁴⁴⁷ and is eligible for any other relief he may require.⁴⁴⁸ The first dependent child may receive \$20, the second child \$18, and each additional child \$12 a month.⁴⁴⁹ Crippled children may be placed in any public or private hospital or be sent to the Riley Hospital at Indianapolis.⁴⁵⁰ Diseased and defective children are placed in any public hospital in the county by the judge of the circuit court.⁴⁵¹ Orphan, dependant, and neglected children under 16 years of age are placed in the private orphans' home or in private homes under supervision of the board of commissioners.⁴⁵²

No official, in carrying out the provisions of the Welfare Act, may take charge of a child over the objection of a parent or a person standing in loco parentis to such child, except pursuant to a court order.⁴⁵³ Persons receiving aid under the Welfare Act are ineligible for other public relief.⁴⁵⁴ Assistance is not assignable, is not subject to legal process, and is not an asset in bankruptcy proceedings.⁴⁵⁵ When a blind

⁴⁴² Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1223; Baldwin, 1937 suppl., 14078-54.

⁴⁴³ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1236; Baldwin, 1937 suppl., 14078-67.

⁴⁴⁴ Acts 1865; Burns 22-601 *et seq.*; Baldwin 4560 *et seq.*

⁴⁴⁵ Acts 1936 (Spec. Sess.), 1937; Burns, 1938 suppl., 52-1240, 52-1268; Baldwin, 1937 suppl., 14078-71, 14078-97b.

⁴⁴⁶ Acts 1937; Burns, 1938 suppl., 52-1267; Baldwin, 1937 suppl., 14078-97a.

⁴⁴⁷ Acts 1936 (Spec. Sess.), 1937; Burns, 1938 suppl., 52-1269; Baldwin, 1937 suppl., 14078-97c.

⁴⁴⁸ Acts 1936 (Spec. Sess.), 1937; Burns, 1938 suppl., 52-1278; Baldwin, 1937 suppl., 14078-97i.

⁴⁴⁹ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1241; Baldwin, 1937 suppl., 14078-72.

⁴⁵⁰ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1256; Baldwin, 1937 suppl., 14078-87.

⁴⁵¹ Acts 1933; Burns 52-501; Baldwin 5700.

⁴⁵² Acts 1897; Burns 22-2601, 22-2605; Baldwin, 4382, 4385.

⁴⁵³ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1417; Baldwin, 1937 suppl., 14078-130.

⁴⁵⁴ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1202, 52-1222; Baldwin, 1937 suppl., 14078-33, 14078-53.

⁴⁵⁵ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1210, 52-1231; Baldwin, 1937 suppl., 14078-41, 14078-62.

person moves to another county in the state, no assistance he is receiving is suspended;⁴⁵⁶ and children and the aged may receive aid for another year from the county from which they moved.⁴⁵⁷ If a person is unable to care for himself, the county department pays this relief money to some responsible person for his benefit.⁴⁵⁸ If a recipient of relief dies leaving an estate insufficient to bury him, and the persons legally responsible for his burial are unable to pay the expenses, the county department pays \$75 for his funeral and an additional \$25 for a burial lot.⁴⁵⁹

An appeal may be taken from the county department to the state department.⁴⁶⁰ Nothing in the Welfare Act relieves any person from liability for the support of parent, child, or spouse.⁴⁶¹

Poor relief is administered by the township trustees. The county maintains an asylum for the poor.⁴⁶² Residents of the county,⁴⁶³ paupers,⁴⁶⁴ and nonresidents requiring temporary relief⁴⁶⁵ may be placed therein. The law prohibits the keeping of children in the asylum.⁴⁶⁶ They must be placed in an orphans' home (there is no county institution).⁴⁶⁷ Anyone refused relief by a township trustee has a right to a hearing before the board of commissioners⁴⁶⁸ and to an appeal from the board to the circuit court.⁴⁶⁹ The board of commissioners may borrow for poor relief, if the funds available are not sufficient.⁴⁷⁰

⁴⁵⁶ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1239; Baldwin, 1937 suppl., 14078-70.

⁴⁵⁷ Acts 1936 (Spec. Sess.); Burns, 1936 suppl., 52-1248; Baldwin, 1937 suppl., 14078-49, 14078-79.

⁴⁵⁸ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1208, 52-1229; Baldwin, 1937 suppl., 14078-39, 14078-60.

⁴⁵⁹ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1209, 52-1230; Baldwin, 1937 suppl., 14078-40, 14078-61.

⁴⁶⁰ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1211, 52-1232, 52-1246; Baldwin, 1937 suppl., 14078-42, 14078-63, 14078-77.

⁴⁶¹ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1263; Baldwin, 1937 suppl., 14078-94.

⁴⁶² Const., art. 9, sec. 3. 1 Rev. Stat. 1852; Burns 52-201; Baldwin 13360. Acts 1935; Burns, 1938 suppl., 52-146; Baldwin, 1935 suppl., 13320-3.

⁴⁶³ 1 Rev. Stat. 1852, Acts 1935; Burns, 1938 suppl., 52-201, 52-146; Baldwin, 1935 suppl., 13360, 13320-3.

⁴⁶⁴ Acts 1935; Burns, 1938 suppl., 52-151; Baldwin, 1935 suppl., 13320-8.

⁴⁶⁵ Acts 1935; Burns, 1938 suppl., 52-163; Baldwin, 1935 suppl., 13320-20.

⁴⁶⁶ Acts 1897, 1901; Burns 22-2608; Baldwin 4388.

⁴⁶⁷ Acts 1897; Burns 22-2605; Baldwin 4385.

⁴⁶⁸ Acts 1935; Burns, 1938 suppl., 52-160; Baldwin, 1935 suppl., 13320-17.

⁴⁶⁹ 1 Rev. Stat. 1852; Burns 26-901; Baldwin 5276.

⁴⁷⁰ Acts 1935; Burns, 1938 suppl., 52-604; Baldwin, 1935 suppl., 13359-1.

ELECTIONS

The constitution provides that all elections shall be free and equal, prescribes the length of residence required of an elector, designates time of holding elections, and gives the general assembly power to provide for the registration of voters.⁴⁷¹

All citizens of the United States, of the age of 21 years and upwards, resident in the state six months, in the township 60 days, and in the precinct 30 days, immediately preceding an election, are entitled to vote. All citizens of foreign birth who have resided in the United States one year and have the age and residence qualifications prescribed above, also may vote, if they have declared their intention to become naturalized.⁴⁷² Registration is required of all voters.⁴⁷³ There were 77,323 registered voters in Vanderburgh County for the general election in November 1938.⁴⁷⁴

The board of commissioners participates in various ways in the conduct of elections. The more important functions of the board in that connection are those of establishing election precincts and changing their boundaries;⁴⁷⁵ providing rooms for polling places and equipping them with voting booths;⁴⁷⁶ and providing ballot boxes and/or voting machines for the several precincts.⁴⁷⁷

The registration officer (the clerk of the circuit court ex officio) conducts the registration of voters.⁴⁷⁸

Primary elections are held on the first Tuesday after the first Monday in May preceding the general elections.⁴⁷⁹ They are held under the supervision of the board of primary election commissioners, consisting of the clerk of the circuit court and two persons, of opposite political parties, appointed

⁴⁷¹ Const., art. 2, secs. 1, 2, 14.

⁴⁷² Const., art. 2, sec. 1. Acts 1881; Burns 29-703; Baldwin 7083.

⁴⁷³ Acts 1933; Burns 29-301; Baldwin 7299.

⁴⁷⁴ *Year Book of the State of Indiana for the Year 1938* (1939), 1106.

⁴⁷⁵ Acts 1889, 1907; Burns 29-801; Baldwin 7089. Acts 1920 (Spec. Sess.); Burns 29-901; Baldwin 7091.

⁴⁷⁶ Acts 1897; Burns 28-1121; Baldwin 7135. Acts 1920 (Spec. Sess.); Burns 29-909; Baldwin 7154.

⁴⁷⁷ Acts 1901, 1903; Burns 29-2404; Baldwin 7352. Acts 1920 (Spec. Sess.); Burns 29-903; Baldwin 7148. See Acts 1939, ch. 113 (not effective at time of writing).

⁴⁷⁸ Acts 1933, 1935; Burns, 1938 suppl., 29-306; Baldwin, 1935 suppl., 7304.

⁴⁷⁹ Acts 1915, 1917; Burns 29-508; Baldwin 7194.

by him. This board prepares and distributes ballots for the primary elections,⁴⁸⁰ and serves as the board of election commissioners at the general election for which nominations are made at the primary election.⁴⁸¹

General elections are held biennially on the first Tuesday after the first Monday in November.⁴⁸² County officers elected by the people are: Judge of the circuit court, prosecuting attorney, judges of the superior and probate courts, clerk of the circuit court, auditor, treasurer, recorder, sheriff, coroner, surveyor, assessor, county commissioners, and county councilmen. These elections are held under the supervision of the board of election commissioners, which prepares and distributes the ballots.⁴⁸³

The board of canvassers consisting of the election commissioners,⁴⁸⁴ with the clerk of the circuit court acting as clerk,⁴⁸⁵ tabulates and compiles the election returns of the county,⁴⁸⁶ and files all data, canvass sheets, certificates, poll books, and tally papers in the office of the clerk, who certifies the candidates elected.⁴⁸⁷

RECORDATION

The recordation of deeds, mortgages, plats, and other private documents for purposes of preservation and public notice is a most important function of the county, since commerce and titles to property are directly affected thereby.⁴⁸⁸ To entitle any conveyance, mortgage, or other written instrument to be recorded, the execution thereof must be acknowledged or proved in the manner required by law,⁴⁸⁹

⁴⁸⁰ Acts 1907, ch. 282, secs. 1, 13. Acts 1915, 1917; Burns 29-504; Baldwin 7190.

⁴⁸¹ Acts 1915, 1917; Burns 29-504; Baldwin 7190.

⁴⁸² Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081.

⁴⁸³ Acts 1889; Burns 29-1002; Baldwin 7109.

⁴⁸⁴ Acts 1905, 1927; Burns 29-1401; Baldwin 7377.

⁴⁸⁵ Acts 1905, 1927; Burns 29-1402; Baldwin 7378.

⁴⁸⁶ Acts 1905; Burns 29-1404; Baldwin 7380.

⁴⁸⁷ Acts 1905; Burns 29-1405; Baldwin 7381.

⁴⁸⁸ Acts 1935; Burns, 1938 suppl., 51-504; Baldwin, 1935 suppl., 13227-4. 1 Rev. Stat. 1852; Burns 56-118; Baldwin 14664. 1 Rev. Stat. 1852, Acts 1875, 1913, 1921, 1923; Burns 56-119; Baldwin 14671. Acts 1897; Burns 56-120. Acts 1877; Burns 56-716; Baldwin 998.

⁴⁸⁹ Acts 1905; Burns 48-801; Baldwin 12473. 1 Rev. Stat. 1852; Burns 49-3212; Baldwin 14666. Acts 1935; Burns, 1938 suppl., 51-507; Baldwin, 1935 suppl., 13227-7. 1 Rev. Stat. 1852, Acts 1859; Burns 56-123 to 56-130, 56-132 to 56-137; Baldwin 14674 to 14676, 14679 to 14683, 14666, 14669, 14658, 14677, 14659, 14731. The acknowledgment or proof must be recorded with the instrument. *Ibid.*

and the intangibles tax thereon (if any) must be paid.⁴⁹⁰ The recorder and the clerk of the circuit court are the recording officers. Lists of documents which may be recorded by them are set out in the essays on their officers in Part B of this book.

RECORDS SYSTEM

The records of Vanderburgh County began with its creation in 1818. The establishment of each of the county offices and bureaus inaugurated their records which were kept in such fashion as the incumbents saw fit, following in the main the directions of the general assembly under the provisions for each respective office. In 1909, the general assembly established the state board of accounts, which formulates, prescribes, and installs systems of accounting and reporting which are uniform for every public office of the same class.⁴⁹¹ Under this law, some of the records were combined to eliminate separation, duplication, and overlapping. The board also permits the use of bound loose-leaf records in almost all cases where the records are typed. The quality of the paper and ink and the binding and rebinding practices are left to the judgment of the board of commissioners, except that a good quality is required.

A recent statute provides that the board of commissioners may provide for the installation of a modern tax accounting system in the offices of the treasurer and auditor, after a description thereof has been approved by the board of commissioners and certified to, and approved by, the state board of accounts.⁴⁹²

Whenever it may be necessary for the preservation of the records of any office, it is the duty of the board of commissioners to issue an order directing the officer in charge to copy and transcribe the records.⁴⁹³

In event of the loss or destruction, in whole or in part, of any of the county records, they shall be replaced, as follows: (1) The board of commissioners shall send to the governor a certified list of such records furnished by the state, and he shall order the proper state officer to replace them. (2) Records compiled in the county shall be restored, if possible, from original documents by the proper officers, that

⁴⁹⁰ Acts 1933; Burns 64-929; Baldwin 15927.

⁴⁹¹ Acts 1909; Burns 60-202, 60-224; Baldwin 13855, 13875.

⁴⁹² Acts 1937; Burns, 1938 suppl., 60-238 to 60-240; Baldwin, 1937 suppl., 15868-1 to 15898-3.

⁴⁹³ Acts 1877; Burns 26-634; Baldwin 5339.

is, the county officer who had custody of the original records. (3) If impossible to reduplicate the old records, new records shall be made on evidence taken from parties having knowledge of the facts concerned, by either the proper officer or a commissioner appointed by the board of commissioner for that purpose.⁴⁹⁴

In 1925, a law was passed permitting county officials, at their discretion, to turn over to the archives division of the state library for permanent preservation, any official books, records, documents, original papers, newspaper files, or printed books and material not in current use in their office.⁴⁹⁵ Vanderburg County officials have never availed themselves of this provision for permanent preservation of their old records.

An act of 1927 provides that deeds, mortgages, and other instruments may be recorded by photographic process if adopted by the board of commissioners.⁴⁹⁶

In 1937, the general assembly authorized the director of the state library, at his discretion, to make a copy, by photography or in any other way, of any official book, record, document, original paper, newspaper, or printed book or material in any county, city, or other public office, for preservation in the state archives. All public officials must permit such copies to be made.⁴⁹⁷

In 1939, the general assembly created in each county a commission of public records. The commission must determine what public records (1) are no longer of official or historical value, or (2) have current official value and should be retained in the office where they are required to be filed, or (3) have official value but are consulted and used so infrequently that they are no longer of appreciable value to the officer with whom they are required to be filed, or (4) have no apparent official value but do have a historical value. Records of class 1 are destroyed three years after filing, unless the law requires that they be kept for a longer time or prohibits their destruction. Records of classes 3 and 4 are removed to the state library three years after filing, unless the officer in charge is using them frequently at that time.⁴⁹⁸

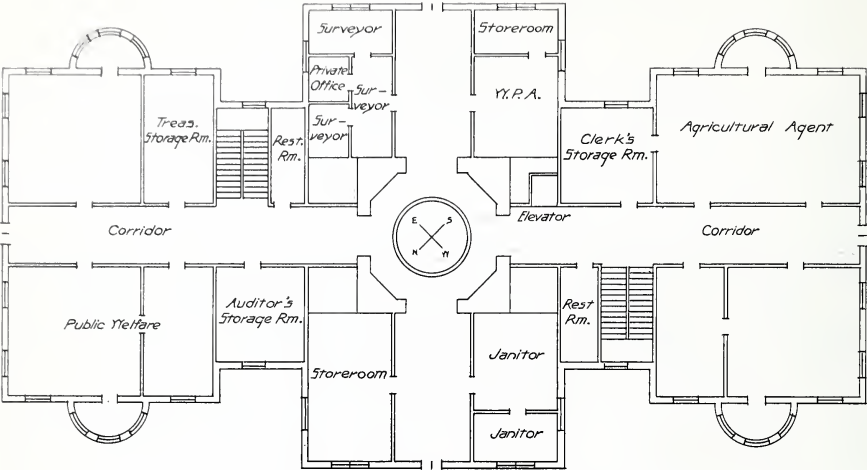
⁴⁹⁴ 2 Rev. Stat. 1852, Acts 1855; Burns 57-101 to 57-124; Baldwin 1168 to 1191. Acts 1881; Burns 57-208 to 57-210; Baldwin 1165 to 1167. Acts 1893; Burns 57-125, 57-211 to 57-214; Baldwin 1197, 1192 to 1195.

⁴⁹⁵ Acts 1925, 1937; Burns, 1938 suppl., 63-630; Baldwin, 1937 suppl., 10287.

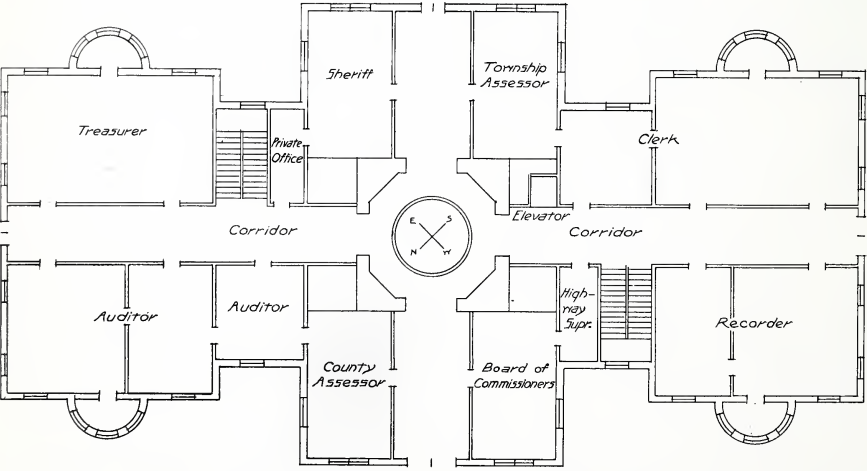
⁴⁹⁶ Acts 1927; Burns 49-3207; Baldwin 14667.

⁴⁹⁷ Acts 1925, 1937; Burns, 1938 suppl., 63-830; Baldwin, 1937 suppl., 10287.

⁴⁹⁸ Acts 1939, ch. 91 (not effective at time of writing).



Basement - Vanderburgh County Courthouse



1st Floor - Vanderburgh County Courthouse

3. HOUSING, CARE, AND ACCESSIBILITY OF THE RECORDS

In return for locating the seat of justice at Evansville (two months after the organization of Vanderburgh County, February 1, 1818), the proprietors of the town made the customary donations to the county, both in land and cash. Included in these donations were a public square—the four quarter-blocks at the intersection of Main and Third Streets—and a cash donation of \$500 for "public buildings," to be paid as the construction of the buildings progressed.¹

The first public building to receive consideration was the jail, specifications for which were recorded in May 1818.² It was not until February of the next year that plans were laid for the courthouse, although the county agent had previously been instructed to contract for brick and "as many compleat cypress Pine or Popular [*sic*] shingles as will answer to cover said house one inch thick at the but and to be Scollopd nicely."³ It is said that the bricks were burned on the public square.⁴

Though it was originally intended to locate the courthouse in the center of the square, formed by the four quarter-blocks mentioned above, the plans were altered after ground on the first site had been broken, and the site was relocated on the southeastern quarter-block, so that Main and Third Streets would not be obstructed; here the courthouse was finally built.⁵ It was a two-story structure—the first brick building in the town—46' in length and 34' in width, with a stone foundation. As planned, it was a rather plain building, and the commissioners, apparently seeking to relieve the severity of its design, appended a postscript to the specifications: "N.B. ... There is to be Battlements raised at each end of the House."⁶

The contract for construction did not include all the flooring nor the installation of partitions in the interior. The courthouse was accepted from the contractors on May 8, 1820, and was used without these until 1821, when another

¹ Commissioners' Record, A:6-11.

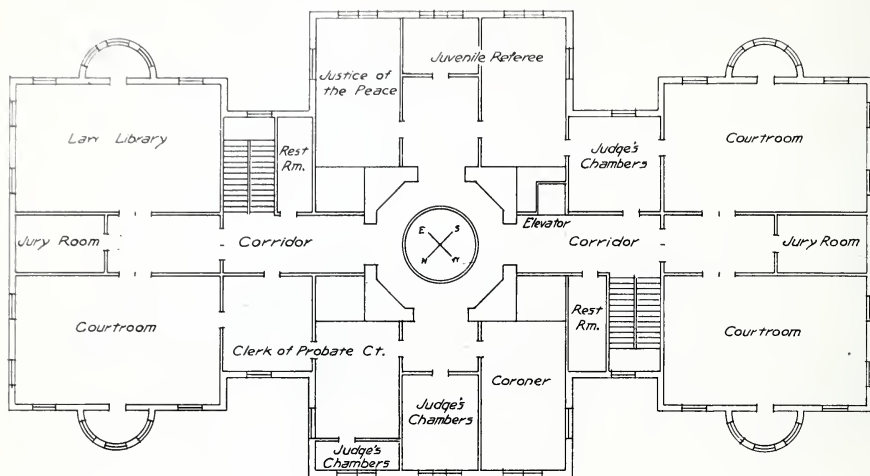
² *Ibid.*, 18, 19.

³ *Ibid.*, 26.

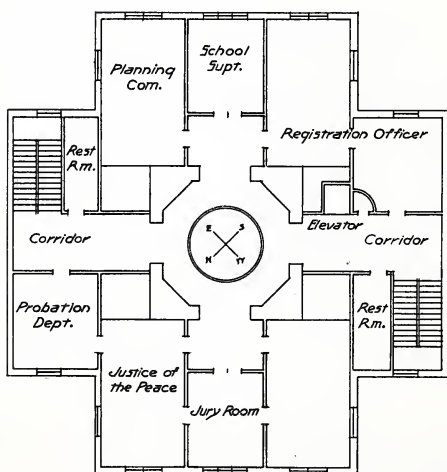
⁴ *History of Vanderburgh County*, (1889), 54.

⁵ *Ibid.* Commissioners' Record, A:45.

⁶ *Ibid.*, 39-41. Frank M. Gilbert, *History of the City of Evansville and Vanderburgh County*, (1910), 1:183, 184.



2d Floor — Vanderburgh County Courthouse



3d Floor — Vanderburgh County Courthouse

contract was let for the finishing.⁷ During this period and until the completion of the work, the commissioners found the building too well ventilated in winter months and usually held their sessions elsewhere.⁸ The records were kept in a room in the house of James Newman.⁹

The delay in finishing may have been due, in part at least, to the shortage of county funds, which caused some embarrassment in paying for the courthouse and was responsible for some very devious and ingenious methods of payment. County funds, in cash, were practically nonexistent, and loans could not be floated for want of credit; because of this, personal notes in the county's possession were assigned to the contractors, and they were authorized to collect the cash donation made by the proprietors—a task accomplished with no small difficulty. The balance was covered by deeding lots to the contractors and by issuing orders on the treasury, with interest at six per cent annually until paid. At least one order was unpaid in 1836. The cost of the courthouse, discounting interest, was \$5,425; the actual cost was greatly in excess of that figure.¹⁰

In 1837, it was necessary to provide more suitable quarters for officials and their records, which had been kept in private residences prior to that time, and a brick office-building, 30' by 18', was built on the public square, on the same quarter-block as the courthouse, at a cost of \$818.50. In this building the clerk and the recorder had their offices.¹¹

In the same year, the courthouse being in need of repair, the county entered into a contract with St. Paul's Church, whereby the church was to make the repairs in return for being permitted to hold services in the courthouse; with the provisions that services should not interfere with county business and that the contract could be revoked at any time by the county upon refunding the cost of the repairs.¹²

⁷ Commissioners' Record, A (part B):30, 60.

⁸ *Ibid.*, 41, 48. *History of Vanderburgh County*, 55.

⁹ Commissioners' Record, A (part B):95.

¹⁰ *Ibid.*, A:48; A (part B):36, 60-62; B:1; C:1; D:1. *History of Vanderburgh County*, 54.

¹¹ Commissioners' Record, E:4. It is strange that there was thought to be need for this building, since spare rooms in the courthouse were later rented to private individuals (*Ibid.*, E:497, F:102).

¹² *History of Vanderburgh County*, 55. This arrangement apparently terminated in 1839, when the county paid St. Paul's Church a total of \$302.00, in seven allowances (Commissioners' Record, E:134, 135).

In 1849, the board of commissioners declared that "... the public necessities require the erection of a new court house and county Jail for Vanderburgh County," and further that "... the public square ... is badly calculated for a site for the public buildings of the county". The county agent, therefore, was authorized to sell the square at public auction, but no date for the sale was fixed.¹³

The sale was never held, for the second courthouse was built on the original square.¹⁴ The contract for this building and also for a jail and a jailer's residence, was let in 1852 to James Roquet.¹⁵ These structures were to be erected on the northeast quarter-block of the square, and the contractor was to receive the remainder of the square, including the block on which the first courthouse stood, as payment in full; this property was valued at \$14,000.¹⁶

Construction was delayed. The board could not agree with the contractor as to the cost of the dome on the courthouse, and an arbitrating committee had to be appointed to report its "probable cost and value."¹⁷ After discussion, it was ordered "that gas pipes be carried into the new court house and jail."¹⁸ Other delays occurred, but the courthouse was nearly completed—the clerk, recorder, and auditor had already occupied it—when, on December 24, 1855, a fire originating in a lumberyard directly east of the courthouse, burned it to the ground leaving only its brick walls. Fortunately, almost all of the records were saved.¹⁹ Roquet's sureties petitioned for his and their release "from all liability said Roquet may be supposed to have incurred by the accidental destruction of the new courthouse by fire,"²⁰ which was granted.

The contract for rebuilding the courthouse, amounting virtually to the construction of a complete new building, was awarded to Francis D. Allen, in March 1856, for \$14,300.²¹

¹³ *Ibid.*, G:68.

¹⁴ *History of Vanderburgh County*, 55.

¹⁵ Commissioners' Record, G:407, 408.

¹⁶ *History of Vanderburgh County*, 55, 56. As late as 1889, the first courthouse was still standing, occupied by a clothing store (*Ibid.*, 55).

¹⁷ Commissioners' Record, H:10.

¹⁸ *Ibid.*, 13, 18.

¹⁹ *History of Vanderburgh County*, 56.

²⁰ *Ibid.* Commissioners' Record, H:126.

²¹ *History of Vanderburgh County*, 56. Note that the cost of rebuilding the courthouse alone was greater than the combined original cost of the courthouse, jail, and jailer's residence (\$14,000 in property).

The Crescent City Hall was rented for the use of the courts until the completion of the courthouse; a room in the Crescent City Bank Building, for the clerk.²²

The task of rebuilding was finished in 1857. Varying somewhat from Roquet's design, the new courthouse was a two-story brick structure surmounted by a dome. The main entrance, flanked by "heavy Grecian columns", opened into a central corridor, on either side of which were the offices of the clerk, the recorder, the sheriff, the treasurer, and the auditor. On the second floor were the courtroom, with the judge's and jury chambers, and the commissioners' room.²³ Later, the board of commissioners thought it advisable to insure the building against fire but after deliberation decided not to do so; and, presumably as the next best protection, ordered the sheriff "to keep the door leading to the garrett of the courthouse closed and secured by lock, and also . . . all doors leading into the courthouse shall be locked and secured at 10 o'clock P.M. and in no case shall they be left open or insecured after that hour."²⁴

The criminal court was established by act of 1868,²⁵ and it was necessary to obtain quarters for it. These were provided in the Methodist Church Building, the lower floor of which was occupied by the postoffice. The building was rented at first but was purchased by the county in April of 1870 for \$8,000.²⁶ The commissioners had a little difficulty with a new kind of squatter—who persisted in occupying a room in the building "without paying a cent of rent therefor"—and were forced to order his eviction: "... and the Sheriff of Vanderburgh County is hereby ordered to take immediate steps to remove the said T. L. Davis out of said room."²⁷ In 1877, when the criminal court was abolished, the superior court, which was established at the same time,²⁸ took over the building, occupying it until the completion of the present courthouse.²⁹

²² Commissioners' Record, H:165. *History of Vanderburgh County*, 56.

²³ Gilbert, *op. cit.*, 1:184.

²⁴ Commissioners' Record, I:33.

²⁵ Acts 1869, ch. 23, sec. 1.

²⁶ Commissioners' Record, P:279, 280. Joseph P. Elliot, *A History of Evansville and Vanderburgh County* (1897), 155, 156. Gilbert, *op. cit.*, 1:187.

²⁷ Commissioners' Record, Q:469.

²⁸ Acts 1877, ch. 34, secs. 1, 25.

²⁹ Elliot, *op. cit.*, 156. Gilbert, *op. cit.*, 1:187.

If the old public square had been "badly calculated" in 1849, by this time it was worse. The business district had moved north, and the square was now in a section almost industrial in character. A committee of citizens, in 1873, advised a more suitable location; nevertheless, it was not until 1887 that a new square was purchased: the Union Block, site of the former Wabash & Erie Canal basin, which had been filled in. The price was \$54,000.³⁰

Construction of the first jail was ordered in 1818, to be completed by Christmas of that year, but it was not completed until the following February.³¹ A log structure 12' square and three stories high, it had double walls 1' apart, the space between being filled with upright logs. A flight of stairs led up the outside to a platform at the upper floor level. Prisoners were confined in two rooms—the "dungeon" for criminals and another room, somewhat larger, for debtors.³² The latter, however, were frequently allowed greater liberty: freedom, practically, to come and go as they chose within the "prison bounds", a portion of the town so designated at the discretion of the circuit court. The prison bounds were outlined in 1819 as follows: "Beginning at a point on the Ohio River in the Town of Evansville at which the two parallel streets with Main street makes by intersection with said river, and running back from said River until they intersect with the first street back of the Public Square and to include all the space within said bounds to the waters edge."³³

The jail was far from a pleasant place. The commissioners ordered the county agent to "Employ some person" to perform various tasks about the jail and to have "the filth cleaned Out inside the dungeon if necessary."³⁴ The grand jury, on October 3, 1820, reported: "We the Grand Jury having examined the Jail of Vanderburgh County do report that we find no persons confined and that it is not sufficiently strong and also that it is a damp unwholesome [*sic*] place unfit to confine prisoners."³⁵ Probably for this reason, the board, on the following February, ordered such alterations made as

³⁰ *Ibid.* *History of Vanderburgh County*, 57.

³¹ Commissioners' Record, A:20, 21, 41.

³² *Ibid.*, 18, 19. *History of Vanderburgh County*, 58.

³³ Order Book, A:23, 24.

³⁴ Commissioners' Record, A (part B):39.

³⁵ Order Book, A:102.

they should see fit.³⁶ In September 1829, the jail was sold at auction, bringing \$19.37½.³⁷

Three years later, another jail was built. During the interim, prisoners were manacled and kept under guard in local taverns. The new jail occupied the site of the first, which, under the terms of the sale, had been moved. It was a timber structure, 22' by 18' and two stories high, with a stone foundation. The walls of the lower story, where prisoners were confined, were triple-heavy timber, inside and outside, with stone sandwiched between them; the walls of the upper story were a single thickness of timber. The jail was completed in November 1832.³⁸

The third jail, a two-story stone building, was built in 1852 by James Roquet, the ill-fated builder of the second courthouse. The jail was not damaged by the fire and was used until the construction of the present jail, built at the same time as the present courthouse.³⁹

The present courthouse was built in 1889-90, from the plans of H. Wolters, for \$379,450, the cost of the jail and jailer's residence bringing the total to about \$650,000. Constructed of steel and Indiana limestone, it is a cross-shaped building, 252' in length, 135' in width, and 180' in height. Entrances are located in the middle of each of the four sides, opening into central corridors which intersect at right angles. Most of the rooms in the building are numbered, the numbers being prefixed with "B" for rooms in the basement, the latter being the so-called "English Style"—the ground floor. The basement and the first and second floors are identical in size; the third floor lies only above the central portion of the lower floors, and, while of identical width with these, is much shorter, measuring about 120'.

The basement contains, in part, county offices and three storage rooms for older records. The first floor is devoted exclusively to county offices; the second floor, to courtrooms and related offices; and the third floor, again, mainly to county offices. The auditor's storage room has a concrete floor; all other rooms in the building have wooden floors, in some rooms, covered with linoleum. Walls and ceilings are plastered. Records are housed in the building as described in

³⁶ Commissioners' Record, A (part B):52.

³⁷ *Ibid.*, B:109; D:44. *History of Vanderburgh County*, 58. Gilbert, *op. cit.*, 1:187.

³⁸ *History of Vanderburgh County*, 58.

³⁹ *Ibid.*, 59. Gilbert, *op. cit.*, 1:188.

the paragraphs following; conditions under which they are housed are satisfactory unless otherwise specified.

Board of Commissioners. Thirty-two percent of the records are in the auditor's office and 68% in his record room. A few are in the treasurer's office.

County Council. Ninety percent of the records are in the auditor's office and 10% in his storage room.

Clerk of the Circuit Court. The clerk's office is room 101-102, at the southwest corner of the first floor, and his record room adjoins it on the east. The office is 53' by 51' by 20' and contains 1448' of metal shelving, of which 1216' are occupied by volumes, and 232' by unbound records in metal file boxes. Fifty-six percent of the clerk's records are kept here, as well as records of the circuit, superior, and probate courts; the three election boards; and the health officer.

The record room is 25' by 20' by 20' and contains 585' of steel shelving, occupied by 343' of volumes and 242' of unbound records in metal file boxes. Here are 9% of the clerk's records, with records of the circuit, superior, and probate courts; the corner; and the registration officer. Space for more shelving can easily be obtained in either or both of the rooms. The remaining 35% of the clerk's records are in his storage room in the basement.

Recorder. The recorder's office, room 114, across the corridor from the clerk's office, is 32' by 31' by 20'. On 1360' of steel shelving are 1248' of volumes and 112' of unbound records in file boxes. No space is available here for additional shelving, but no records are permanently housed in the annex, adjoining to the east, and this might possibly be used for the overflow. Eighty-eight percent of the records, and a few of the circuit court records, are kept in the office; 12% of the records are in the auditor's storage room.

Circuit Court. Twenty-six percent of the records are in the clerk's office, 31% in his record room, and 43% in his storage room. A few volumes are also in the recorder's office, the circuit courtroom (on the second floor), and the surveyor's office.

Superior Court. Thirty-five percent of the records are in the clerk's office, 23% in his record room, and 42% in his storage room. Two volumes are kept in the superior court room (opposite the circuit court room, on the second floor).

Probate Court. The record room and office of the clerk of the probate court (officially a deputy clerk of the circuit court), rooms 208 and 207, are on the second floor. The

office is 26' by 24' by 20' and is equipped with 383' of shelving, 216' of which are occupied by volumes and 168' by unbound records. The record room is 24' by 20' by 20'; here, also, the shelving is entirely occupied by records—144' of volumes and 104' of unbound records in file boxes. No space for more shelving is left in either room. The office contains 40% of the records; the record room, 10%; the clerk's office, 7%; his record room, 17%; and his storage room, 26%. A few volumes of current records are in the probate court room (on the second floor), and 10 file drawers of unbound records are in the probation office (on the third floor).

Sheriff. The sheriff's office occupies room 103, on the first floor. This room is 38' by 23' by 20'. The unbound records—48'—are in metal file boxes, and the volumes—a total of 40'—are housed in a wooden cabinet. This equipment is adequate for the present records and will permit expansion. Fifty-three percent of the records are kept here, the remainder being in the clerk's storage room.

Coroner. The coroner's office, room 210 on the second floor, is 38' by 23' by 20'. Four feet of shelving in a safe house 3' of volumes and 1' of unbound records. Ample space is available in the room for more shelving, should more be needed in the future. Twelve percent of the records are here, 48% in the clerk's record room, and 40% in his storage room.

Prosecuting Attorney. All the records are in the incumbent's office, room 414, Central Union Bank Building, Evansville.

Assessor. The assessor's office is located on the first floor, room 110. Measuring 38' by 23' by 20', it is equipped with 211' of wooden shelving, 190' of volumes and 21' of unbound records in file boxes. Additional shelving will be needed for expansion of the records, but for this the room affords sufficient space. All the records of the assessor are kept here, as are portions of the records of the board of review and the auditor.

Board of Review. Ten percent of the records are in the assessor's office, 60% in the auditor's office, and 30% in his storage room.

Board of Tax Adjustment. Ninety-two percent of the records are in the auditor's office and 8% in his storage room.

Board of Finance. Sixty-seven per cent of the records are in the auditor's office; the other 33% are in his storage room.

School Fund Board. All the records are in the auditor's office.

Treasurer. The treasurer's office, rooms 105-106, lies at the southwest corner of the first floor. A large room—having dimensions of 51' by 31' by 20'—it houses 168' of volumes and 65' of unbound records, nearly 40' of its steel shelving being unoccupied by record material. Here are kept 17% of the records, with one file box of commissioners' papers. Eighty-three percent of the records are in the treasurer's storage room in the basement.

Auditor. Across the corridor from the treasurer's office are rooms 107 and 108, occupied by the auditor and the deputy auditor respectively. A majority of the records is kept in room 107, whose dimensions are 33' by 31' by 20'. The equipment consists of wooden and metal cabinets containing a total of 669' of shelving. On this shelving are 236' of volumes and 224' of unbound records in file boxes.

The deputy auditor's office adjoining, lesser in size, contains only 9 file boxes of unbound records—less than 1% of the whole. Thirteen percent are in the office, 68% in the assessor's office, and 19% in the auditor's storage room. Less than 1% of the records—1 carton and 3 bundles—is in the clerk's and the treasurer's storage rooms respectively.

Registration Officer. The office of the registration officer (the clerk of the circuit court, *ex officio*) is in room 301, on the third floor. In this room, whose dimensions are 34' by 34' by 20', are kept 92% of the records. These comprise 84 volumes. The present equipment houses these satisfactorily, and the room has ample space for expansion of the records. Three percent of the records are in the clerk's record room, and 5% are in his storage room.

Board of Primary Election Commissioners. Ninety-five percent of the records are in the clerk's office and 5% in his storage room.

Board of Canvassers. Fourteen per cent of the records are in the clerk's office and 86% in his storage room.

Board of Election Commissioners. Ninety-four percent of the records are in the clerk's office and 6% in his storage room.

Board of Education. The records are in the office of the superintendent of schools.

Superintendent of Schools. The office of the superintendent of schools, room 302 on the third floor, is 34' by 23' by 20'. Well equipped with steel cabinet shelving, it houses 67' of volumes and 33' of unbound records in file boxes. The present equipment will permit considerable expansion of the records, and sufficient space is available in the room for additional equipment, should any be needed in the future. All the records are kept here.

Health Officer. This office is located in the incumbent's office, room 412, Central Union Bank Building, Evansville. Ninety percent of the records are in that office: 10' of volumes and 7' of unbound records. The other 10% are in the clerk's office.

Department of Public Welfare. The welfare office occupies rooms B-6 and B-7, in the basement. The former, 33' by 31' by 15', houses 4' of unbound records. In the latter room, narrower by 13' than the former, are 12' of volumes and 11' of unbound records, the volumes being housed on shelving in a wooden cabinet. Space is available in either room for expansion of the records when needed. Seventy-two percent of the records are in these two rooms, 2% in the auditor's office, and 26% in his storage room.

Surveyor. The surveyor's office, room B-4 in the basement, is subdivided by partitions into four smaller rooms, one of the larger of which serves as the main office. This room is 23' by 12' by 15'; wooden and steel shelves carry 14' of volumes and 432' of unbound records in file boxes.

The north room of the office, 12' by 12' by 15', contains 32' of shelving, built in foot-square compartments, half of which are occupied by maps, plans, and similar unbound material.

In the private office, 16' by 11' by 15', are 6' of volumes. No shelving is provided in this room.

The south room—the workroom—is 23' by 15' by 15'. No shelving is provided for the records, as the quantity of records here varies from time to time according to the nature of the work being performed. Space for expansion of the records is available on the shelving in the south room; in the others, space for shelving, when needed, can easily be obtained. All the surveyor's records are kept in these rooms, as is also one volume of the circuit court records relative to ditch repair and construction.

Highway Supervisor. Twenty percent of the records are in the auditor's office. The remainder is in the auditor's storage room.

Miners' Examination Board. Room 304, on the third floor, is assigned to the miners' examination board. The room, measuring 21' by 19' by 20', is used more for the transaction of business than the keeping of records, which comprise only seven volumes. Housing facilities are satisfactory.

County Planning Commission. The office of the planning commission is located on the third floor in room 303, a room 34' by

24' by 20'. Few records are in existence, as the board has functioned only for a short time. Records comprise four volumes, two file boxes, and 700 blueprints, all of which are kept here. The available space is more than sufficient for expansion of the records.

Agricultural Agent. In the basement, in rooms B-1 and B-2, is the agricultural agent's office, whose dimensions are 53' by 31' by 15'. All the agent's records—2' of volumes and 30' of unbound records in filing cabinets—are housed in this room. The equipment is adequate for the housing of present records, and some space is left for those of the future.

Storage Rooms. Lying directly beneath the clerk's record room and directly connected with it by a spiral stairs, the clerk's storage room houses his older records, together with those of other offices. Measuring 25' by 20' by 15', the room contains 1690' of shelving, located along the walls and in the center. Most of the shelving is metal, of roller design for volumes and cabinet design for file boxes. There is, however, a tier of wooden shelving, comprising about 20'. On the shelving are 734' of volumes and 954' of unbound records in file boxes. Very little space is left on the shelving, and equally little is available for additional shelving or similar equipment. Records of the following offices in the indicated percentages are housed here: clerk, 35%; circuit court, 43%; superior court, 42%; probate court, 26%; sheriff, 47%; coroner, 40%; registration officer, 5%; board of primary election commissioners, 5%; board of canvassers, 86%; and board of election commissioners, 6%. A carton of unbound records, belonging to the auditor, also is stored here.

The treasurer's storage room, like that of the clerk, is situated beneath the treasurer's office and is connected with it by a spiral stairs; it is 31' by 19' by 15'. The equipment consists of wooden shelving, on which are 75' of volumes and 15' of unbound records in paper cartons, these comprising 83% of the treasurer's records and a few—less than 1%—of the auditor's records. Additional shelving will be needed for expansion, but space therefor is readily available.

The auditor's storage room, 25' by 20' by 15', occupies a position similar, with respect to his office, to the storage rooms of the clerk and the treasurer. The room is equipped with 828' of steel shelving—roller type for volumes and cabinet type for file boxes. Four hundred and eighty-two feet of the shelving are occupied by volumes and 191' by unbound records. Nonrecord material, such as clothing from the

township trustee's office, is frequently kept in this room. A little space is left on the shelves for records, and a small amount of space can be utilized for more shelving. In addition to 19% of the auditor's records, the following percentages of records from other offices are housed here: Board of commissioners, 68%; county council, 10%; recorder, 12%; board of review, 30%; board of tax adjustment, 8%; board of finance, 33%; department of public welfare, 26%; and highway supervisor, 80%.

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5. ABBREVIATIONS, SYMBOLS, AND EXPLANATORY NOTES

The Style Manual of the United States Government Printing Office is the authority followed herein.

Acts	[Session] Laws of the State of Indiana (commonly referred to by binder's title, Acts)
agr. agt.	agricultural agent('s)
alph.	alphabetical(ly)
App.	Appellate court reports of the State of Indiana
approx.	approximate(ly)
arr.	arranged
art.	article
assr.	assessor('s)
aud.	auditor('s)
aver.	average
Baldwin	BALDWIN, WILLIAM EDWARD, editor. <i>Baldwin's Indiana Statutes Annotated 1934, complete in one volume, containing all general laws to January 1, 1934, together with annotations from decisions of the supreme and appellate courts. (3746 pp. Banks- Baldwin Law Publishing Co., Cleve- land, Ohio. [c1934]). With supplements May 1935, May 1937, May 1938, and Au- gust 1938. (The year is given in refer- ences only in citations to supplements. Numbers refer to sections which run in one continuous, consecutive series)</i>
bdl.	bundle
bk.	book
bldg.	building
bsmt.	basement
Burns	BURNS, HARRISON, editor. <i>Annotated Indiana Statutes containing all acts of a general and public nature in force September 1, 1933. (12 vols. The Bobbs-Merrill Company, Indianapolis, Ind. [c1933, c1934, c1935]). With supplement 1933 in pock- et in cover of each volume. (The year is given in references only in citations to supplements. Numbers refer to sec- tions which run in one continuous, con- secutive series as explained in Burns 1:iii-iv)</i>
c	copyright (before date)
C. C.	County Courthouse

cf.	compare
ch.	chapter
chron.	chronological(ly)
cir. ct.	circuit court
clk.	clerk('s)
comr.	commissioner(s')
Const.	Constitution of Indiana (refers to present constitution unless date follows)
cor.	coroner
ct. rept.	court reporter
diam.	diameter
et	and
et al.	<i>et alii</i> —and others
et seq.	<i>et sequentia</i> —and following
ex rel.	<i>ex relatione</i> —upon relation of. (Designates the person at whose instance the state or a public officer is acting)
ff.	following
hdw.	handwritten
high. sup.	highway supervisor('s)
H. J.	House Journal (Indiana House of Representatives)
hlth. offr.	health officer('s)
<i>ibid.</i>	<i>ibidem</i> (same reference as that immediately foregoing)
Ind.	Indiana: Indiana Reports (when preceded by the volume number, reference is to the official state supreme court reports)
inh. tax appr.	inheritance tax appraiser
juv.	juvenile
Laws Ind. Terr.	<i>Laws of Indiana Territory, The: 1801-1809, 1809-1816.</i> (See Bibliography, under Philbrick, Francis S. and Ewbank, Lewis B.)
Laws N. W. Terr.	<i>Laws of the Northwest Territory, The: 1788-1800.</i> (See Bibliography, under Pease, Theodore C.)
lb.	pound
<i>loc. cit.</i>	<i>loco citato</i> —in the place cited. (After the name of a book or an article, refers to previous page(s) cited in the same work)
mi.	mile
n.	note
N. E.	North Eastern Reporter (judicial decisions) 2d-Second series
N. W.	North West
no., nos.	number(s)

off.	office
offr.	officer
op. cit.	<i>opere citato</i> —in the work cited. (After author's name, refers to previous work cited under his name)
P., pp.	page(s)
<i>passim</i>	here and there (referring to references too numerous to enumerate)
pol.	police
pro tem.	pro tempore
prob. comr.	probate commissioner
prob. ct.	probate court
pros. atty.	prosecuting attorney('s)
pt.	part
pub. welf.	public welfare
pvt.	private
rec.	record
recr.	recorder('s)
reg.	register
Rev. Laws	Revised Laws of Indiana
Rev. Stat.	Revised Statutes of Indiana
rm.	room
sec., secs.	section(s)
sher.	sheriff('s)
S.	South
<i>sic</i>	thus (indicating expression, misspelling, etc. are the same as in the original)
S. J.	Senate Journal (Indiana Senate)
S. E.	South East
Spec. Sess.	Special Session
sta.	station
stat.	statutes
stor.	storage
sub-bsmt.	sub-basement
supt.	superintendent('s)
supr. ct.	superior court
suppl.	supplement
surv.	surveyor('s)
treas.	treasurer('s)
twp., twps.	township(s)
U. S.	United States
v.	versus
vol., vols.	volume(s)
vt.	vault
'	foot, feet

" inch(es) (omitted after dimensions in
 entries)

x by

Other abbreviations in common use are occasionally used.

EXPLANATORY NOTES

The inventory of the records of each branch of the county government is preceded by an essay explaining its legal status and functions.

Entries are grouped under a functional classification, with headings and subheadings according to relative functions and with cross-references to allied subjects. Every entry has two parts or paragraphs: Title and description. Occasionally an entry has a third (cross-reference) paragraph.

I. The title paragraph consists of:

Entry number. The entries are numbered consecutively.

Exact title (in capitals and small capitals) as it appears on the record. Titles enclosed in brackets are supplied by The Historical Records Survey, if the volume or file bears no title. Supplementary titles (in capitals and lower-case letters), enclosed in brackets, are also supplied where it is necessary to explain the types of records more fully, or where the exact title borne by the record is incorrect, misleading, or nondescriptive.

Dates of the period covered by the record, showing inclusive beginning and ending dates by years only. Missing records are indicated by a break in the dates. A dash in place of an ending date denotes an open record. In entries, where one or more records are replaced by another record, the month and day are given for the discontinued record. In entries of open records, when the last entry is not current, a note follows: "Last entry"—with day, month, and year.

Quantity, given in chronological order wherever possible.

Labeling, if a series or a part of a series. Where the entry consists of one unit, labeled 1, the labeling is omitted; if otherwise labeled, the labeling is given. If the labeling is inconsistent or confusing, the notation "numbering varies" follows the quantity.

Variations in title. Current or most recent title used as entry title; if former titles vary, they are shown.

Changes in keeping records. Occasionally the county record is discontinued or is kept by some other authority—state or other county office.

II. The description consists of:

A statement of the nature, contents, and purpose of the record, with a summary of the column headings or subjects treated. The current record, except as otherwise noted, is described. The contents over a long period of years may themselves vary; therefore, over the entire period the description may vary to some degree. In the description of map and plat records, the scale and the names of author and publisher are given whenever available. No mention thereof denotes that these data are not known.

Method of *arrangement*: Chronological, topical, or other system. No mention of arrangement denotes that there is no systematic arrangement.

Method of *indexing*, pertaining to self-contained indexes. Separate indexes are noted also, with a cross-reference thereto. No mention of indexing denotes that the records are not indexed.

Nature of *recording*: Handwritten, typewritten, or printed. Modern records are almost exclusively in printed form, filled in by hand or typewritten as stated in entry. Maps and plats are drawn, blueprinted, or printed.

Condition. Omitted if good or excellent.

Number of pages averaged for a series.

Size of volumes in the order of height, width, and thickness, averaged for a series; of file boxes and file drawers, in the order of height, width, and depth. It is given in inches in all instances; hence the inch sign is omitted.

Location. The place of custody (the room in which the records are located) is in the courthouse unless another building is specified either in the entry or in the essay on the legal status of the office.

III. Cross-referencing occurs in three places:

In the title paragraph it is used to show a complete series where another method of keeping the record was used in the past or is used at present; also, to show other records with which the record is combined.

In the description paragraph, to and from the master entry, to show the contents of volumes or files containing unrelated records. Whenever an entry contains more than one type of record, all the data are given in a master entry under the actual title or under a complete title, if supplied, with reference to subordinate entries for each part. The subordinate entry consists of supplied title, dates, and description only.

In the third paragraph, to prior and subsequent records or allied subjects; to subjects on which supplementary information may be found in other entries; and to records which have related functions.

PART B. COUNTY OFFICES AND THEIR RECORDS

I. BOARD OF COMMISSIONERS

The board of commissioners is a statutory body composed of three members,¹ each elected for a term of three years, each term commencing in a different year.² The county is divided into three districts; and one commissioner is elected from the residents of each district by the voters of the whole county.³

On February 16, 1818, George Sirkle, James Anthony, and David Brumfield were elected members of the first board. The first meeting of the board was held on March 9, 1818.⁴ Ever since February 16, 1818, the general administrative control of county matters has been vested in the board of commissioners, subject to exceptions herein stated. From September 6, 1824 until August 1, 1831, county business was transacted by a board of justices and a subordinate board of commissioners. Since 1899, many powers of a fiscal nature previously exercised by the board of commissioners have been vested exclusively in the county council.⁵

The board of commissioners is a body corporate and politic by the name and style of "The Board of Commissioners of the County of Vanderburgh." As such, and in such name, the board may sue and be sued. It possesses duties, rights, and powers incident to corporations.⁶ In legal contemplation, the board is the county.⁷

¹ 1 Rev. Stat. 1852, Acts 1929; Burns 26-601; Baldwin 5215.

² 1 Rev. Stat. 1852; Burns 26-603; Baldwin 5217. Acts 1835; Burns 26-604; Baldwin 5218.

³ 1 Rev. Stat. 1852; Burns 26-602; Baldwin 5216.

⁴ John E. Iglehart, *An Account of Vanderburgh County From Its Organization* (vol. 3 of *History of Indiana* by Logan Esarey, 1923), 143-144. *History of Vanderburgh County* (1889), 47, 48, 574, 575. Commissioners' Record, A:1.

⁵ Acts 1816-17, ch. 15. Rev. Laws 1824, ch. 15. Rev. Laws 1831, ch. 20. Const., art. 6, sec. 10. 1 Rev. Stat. 1852, ch. 6, sec. 1; ch. 20, secs. 17, 18, 21, 22. 1 Rev. Stat. 1852, Acts 1935; Burns, 1938 suppl., 26-620; Baldwin, 1935 suppl., 5236. Acts 1899; Burns 26-501 *et seq.*; Baldwin 5365 *et seq.* Snider v. State ex rel. Leap, 206 Ind. 474, 190 N. E. 178.

⁶ 1 Rev. Stat. 1852; Burns 26-606; Baldwin 5220.

⁷ Dice v. County Board of Finance, 99 Ind. App. 405, 192 N. E. 770.

The principal functions of the board are: Control of county property; allowance of claims against the county; auditing accounts of all officers handling county money (in practice, the board no longer makes audits, since these are made by the state board of accounts);⁸ inspection of the books and offices of the treasurer and auditor;⁹ providing office rooms for county officers;¹⁰ construction and repair of roads,¹¹ bridges, culverts,¹² and county buildings;¹³ purchase of materials and supplies;¹⁴ exercise of the power of eminent domain;¹⁵ preparation of annual budget estimates;¹⁶ issuance of bonds;¹⁷ establishment and change of township¹⁸ and precinct¹⁹ boundary lines; providing rooms, booths, ballot boxes, and voting machines for elections;²⁰ establishment and maintenance of libraries²¹ and hospitals;²² inspection of county jail²³ and poor asylum;²⁴ subscription to and preservation of

⁸ 1 Rev. Stat. 1852, Acts 1935; Burns, 1938 suppl., 26-620; Baldwin, 1935 suppl., 5236. Acts 1897; Burns 26-636; Baldwin 5237. Acts 1879 (Spec. Sess.); Burns 26-807; Baldwin 5256. Acts 1909, 1915; Burns 60-201 *et seq.*; Baldwin 13854 *et seq.*

⁹ Acts 1897; Burns 26-636; Baldwin 5237. Acts 1895, 1913; Burns 49-1403; Baldwin 7578.
1 Rev. Stat. 1852; Burns 49-3110; Baldwin 5555.

¹⁰ 1 Rev. Stat. 1852; Burns 26-624; Baldwin 5240. Acts 1899; Burns 26-625; Baldwin 5241.

¹¹ Acts 1905, 1907; Burns 36-201 *et seq.*; Baldwin 8756 *et seq.* Acts 1919; Burns 36-301 *et seq.*; Baldwin 8859 *et seq.* Acts 1907; Burns 36-401 *et seq.*; Baldwin 8992 *et seq.* Acts 1919; Burns 36-501 *et seq.*; Baldwin 8879 *et seq.* Acts 1933; Burns 36-1101 *et seq.*; Baldwin 8699 *et seq.*

¹² Acts 1905, 1907, 1929; Burns 36-1901 *et seq.*; Baldwin 9236 *et seq.* Acts 1905, 1911, 1913; Burns 36-2001 *et seq.*; Baldwin 9191 *et seq.* Acts 1920 (Spec. Sess.); Burns 36-2404; Baldwin 9154.

¹³ 1 Rev. Stat. 1852; Burns 26-624; Baldwin 5240. Acts 1907; Burns 26-2002, 26-2004; Baldwin 5101, 5103.

¹⁴ Acts 1899; Burns 26-535; Baldwin 5400. Acts 1899, 1903, 1933; Burns 26-536; Baldwin 5401.

¹⁵ Acts 1937; Burns, 1938 suppl., 26-640; Baldwin, 1937 suppl., 5236-1. Acts 1899; Burns 26-2101 to 26-2106; Baldwin 5109 to 5114. Acts 1919; Burns 36-303; Baldwin 8861. Acts 1935; Burns, 1938 suppl., 36-711; Baldwin, 1935 suppl., 8861-1.

¹⁶ Acts 1899; Burns 26-516, 26-519; Baldwin 5380, 5383.

¹⁷ 1 Rev. Stat. 1852, Acts 1869; Burns 26-1001 *et seq.*; Baldwin 5242 *et seq.*

¹⁸ Acts 1859; Burns 26-701; Baldwin 16055. Acts 1919; Burns 26-705; Baldwin 16059.

¹⁹ Acts 1889, 1907; Burns 29-801 *et seq.*; Baldwin 7089 *et seq.* Acts 1920 (Spec. Sess.); Burns 29-901; Baldwin 7091.

²⁰ Acts 1920 (Spec. Sess.); Burns 29-909; Baldwin 7154. Acts 1889; Burns 29-1101; Baldwin 7101. Acts 1897; Burns 29-1121; Baldwin 7135.

²¹ Acts 1917, 1921, 1927; Burns 41-510; Baldwin 10321.

²² Acts 1903; Burns 22-3201; Baldwin 4507.

²³ Acts 1909; Burns 13-1008; Baldwin 13460.

²⁴ 1 Rev. Stat. 1852, Acts 1899; Burns 52-205; Baldwin 13373.

newspapers printed in the county;²⁵ maintenance of standards of weights and measures;²⁶ reproduction of mutilated or decayed records;²⁷ regulation of traffic on highways;²⁸ authorization of payment of bounties;²⁹ offering rewards in case of murder or lynching;³⁰ enforcement of its orders;³¹ appointment of highway supervisor,³² health officer,³³ and members of county planning commission;³⁴ employment of a county attorney³⁵ and tax ferrets.³⁶

The board of commissioners has always had the power to establish, construct, and maintain roads. From 1879 until 1913, the board constituted ex officio a board of turnpike directors for the management and control of all free turnpikes in the county.³⁷ From 1913 until 1933, county roads were in charge of a superintendent of highways appointed by the board.³⁸ Since 1933, the supervision of county roads has been a duty of the surveyor unless the board appoints a highway supervisor.³⁹

A regular session of the board of commissioners begins on the first Monday of each month and continues as long as the necessary business of the session requires.⁴⁰ Special sessions are held when called by the auditor, or, in case of death or disqualification, by the clerk of the circuit court or the recorder, respectively.⁴¹ Any two members constitute a quorum to do business.⁴² The auditor, as clerk of the board,

²⁵ 1 Rev. Stat. 1852; Burns 26-626; Baldwin 5285.

²⁶ 1 Rev. Stat. 1852; Burns 69-101.

²⁷ Acts 1877; Burns 26-634, 26-635; Baldwin 5339, 5340.

²⁸ Acts 1919; Burns 36-706; Baldwin 8899.

²⁹ 1 Rev. Stat. 1852, Acts 1875, 1883, 1899, 1911; Burns 26-1101 to 26-1103, 26-1105, 26-1106; Baldwin 5288, 3802, 5289, 5293, 5294.

³⁰ Acts 1899; Burns 26-1104; Baldwin 5290.

³¹ 1 Rev. Stat. 1852; Burns 26-619; Baldwin 5233.

³² Acts 1933; Burns 36-1110.

³³ Acts 1935; Burns, 1938 suppl., 35-118; Baldwin, 1935 suppl., 8404-1.

³⁴ Acts 1935; Burns, 1938 suppl., 26-2301; Baldwin, 1935 suppl., 5205-1.

³⁵ Acts 1917; Burns 10-3103; Baldwin 822. Acts 1899; Burns 26-519; Baldwin 5383.

³⁶ Acts 1905; Burns 64-2830.

³⁷ Acts 1879 (Spec. Sess.), ch. 115, sec. 1.

³⁸ Acts 1913, ch. 330, sec. 1.

³⁹ Acts 1933; Burns 36-1101, 36-1110; Baldwin 8699.

⁴⁰ Acts 1899; Burns 26-550; Baldwin 5221.

⁴¹ Acts 1863, 1899; Burns 26-607 to 26-610; Baldwin 5222 to 5225.

⁴² 1 Rev. Stat. 1852, Acts 1929; Burns 26-601; Baldwin 5215.

attends its meetings, keeps a record of the proceedings, and preserves in his office all the books and papers touching the business of the county.⁴³ The sherriff, by himself or deputy, attends the meetings of the board and executes its orders.⁴⁴ All meetings of the board are open to the public.⁴⁵ The board adopts regulations for the transaction of county business; but in the trial of causes it is required to comply, so far as practicable, with the rules for conducting business in the circuit court.⁴⁶ Whenever in the trial of any cause, two or more members of the board are disqualified, the circuit judge appoints special commissioners to act in their places.⁴⁷ Though appeals may be taken to the circuit court to review all judicial decisions of the board, no appeal lies from the action of the board in a purely ministerial or administrative capacity, unless a statute specifically allows it.⁴⁸ Appeals are authorized in proceedings concerning claims against the county,⁴⁹ removal of the county seat,⁵⁰ establishment or vacation of a public ferry,⁵¹ and highway matters.⁵²

PROCEEDINGS AND REPORTS

1. COMMISSIONERS' RECORD, 1818-. 51 vols. (A-Z, A1-Y1). Record of meetings and proceedings of board of commissioners concerning all county business, showing date and place of meeting, names of members present, nature of business discussed, and action taken. Arr. by dates of meetings. 1818-Aug. 1918, hdw.; Sept. 1918-, typed. 250 pp. 18 x 10 x 2. Aud. off.

2. PUBLISHED LEGAL NOTICES, 1899-. 3 vols. Title varies: 1899-1910, Auditor's Scrap Book.

Newspaper clippings as proofs of publication of notices concerning county business, showing dates and number of insertions, name of publication, title of subject, and purpose of

⁴³ 1 Rev. Stat. 1852; Burns 26-611, 26-621, 49-3004; Baldwin, 5226, 5238, 5418.

⁴⁴ 1 Rev. Stat. 1852; Burns 26-611; Baldwin 5226.

⁴⁵ 1 Rev. Stat. 1852; Burns 26-623; Baldwin 5239.

⁴⁶ 1 Rev. Stat. 1852; Burns 26-617; Baldwin 5228.

⁴⁷ Acts 1913; Burns 26-614 to 26-616; Baldwin 5229 to 5231.

⁴⁸ 1 Rev. Stat. 1852; Burns 26-901; Baldwin 5276. State ex rel. Starry v. Board of County Comrs., 136 Ind. 207, 35 N. E. 1100.

⁴⁹ Acts 1879 (Spec. Sess.), 1885; Burns 26-820; Baldwin, 5275.

⁵⁰ Acts 1885 (Spec. Sess.); Burns 26-410; Baldwin, 5065.

⁵¹ 1 Rev. Stat. 1852; Burns 36-2615; Baldwin, 7705.

⁵² Acts 1905; Burns 36-1501; Baldwin 8853.

notice. Arr. by dates of insertions. Printed. 250 pp. 10 x 12 x 2. 1 vol., 1899-1910, aud. stor. rm., bsmt.; 2 vols., 1911-, aud. off.

3. COUNTY OFFICIALS REPORTS TO BOARD OF COUNTY COMMISSIONERS, 1915-. 7 file boxes.

Quarterly financial reports of various county officials, showing date of report, name and title of official, amount and nature of all receipts and disbursements, and names of funds debited or credited. Arr. by dates of reports. Hdw. 10 x 5 x 14. Aud. off.

4. REPORTS COUNTY INFIRMARY, 1910-. 4 file boxes. Title varies: 1910-30, Superintendent's Quarterly Report, County Infirmary.

Quarterly reports of expenditures for maintenance of county infirmary, showing date of report, name, age, color and sex of inmate, number of admittance, discharges or deaths of males and females, kind and amount of expenses, and estimate of expense for next quarter. Arr. by dates of reports. Hdw. 10 x 5 x 14. 1 file box, 1910-16, aud. stor. rm., bsmt.; 3 file boxes, 1917-, aud. off.

5. VANDERBURGH COUNTY TUBERCULOSIS HOSPITAL, 1931-. 5 file boxes.

Reports of patients admitted to tuberculosis hospital, showing name, address and case and family history of patient, name of examining physician, and dates of admission and report. Arr. by dates of reports. Typed. 10 x 5 x 14. Aud. off.

6. BOEHNE HOSPITAL FOOD SUPPLY, 1931-. 1 file box. Itemized statements of food supplies furnished Boehne Hospital, showing date and amount of purchase, name of vendor, and kind of supplies. Arr. by dates of purchases. Typed. 10 x 5 x 14. Aud. off.

7. APPLICATIONS FOR LIQUOR LICENSES, 1912-17. 1 file box. Discontinued by act of 1917. Kept by state excise director 1933-34 and by alcoholic beverage commission of Indiana 1935-.

Notices of applications for and remonstrances against liquor licenses, showing dates of application, notice and remonstrance, names and addresses of applicant and remonstrators, and name of publication. Arr. by dates of application. Hdw. 10 x 5 x 14. Aud. stor. rm., bsmt.

8. RECORD OF LIQUOR LICENSE GRANTED, 1887-88, 1907-17. 2 vols. Last entry 1912. Discontinued by an act of 1917. Kept by state excise director 1933-34 and by alcoholic beverage commission of Indiana 1935-. Record of licenses granted for sale of alcoholic liquors, showing date and term of license, names of licensee and sureties, location of business, and amount of fee. Arr. by dates of licenses. Hdw. Condition poor. 600 pp. 16 x 10 x 2. 1 vol., 1887-88, aud. stor. rm., bsmt.; 1 vol., 1907-17, aud. off.

BOND ISSUES

9. BOND REGISTER, 1918-. 1 vol. Register of all county bond issues, showing dates of issue, maturity and redemption, number, amount and purpose of bond, and name of purchaser. Arr. by dates of issue. Typed. 120 pp. 16 x 12 x 1. Aud. off.

10. COUNTY BONDS AND COUPONS REDEEMED, 1890-. 1 vol. Record of redemption of bonds and coupons, showing name of purchaser, amounts of bond and coupon, and date of redemption. Arr. by dates of redemption. Hdw. 500 pp. 16 x 10 x 3. Aud. off.

11. GRAVEL ROAD BOND RECORD, 1911-. 3 vols. (1-3). Record of bonds issued to cover costs of repair and construction of gravel roads, showing dates of issue and maturity, number and amount of bond, rate of interest, name of purchaser, and dates of redemption of coupons and bond. Arr. by dates of issues. Hdw. 350 pp. 18 x 12 x 1½. Aud. off.

BIDS AND CONTRACTS

12. BIDS AND CONTRACTS FOR SUPPLIES, 1918-. 7 file boxes. Bids accepted, contracts executed, and bonds posted for furnishing materials and supplies to county, showing dates of bid, contract, bond and delivery, amounts of bid, contract and bond, name of bidder, and itemized statement of nature and amount of materials or supplies required. Arr. by dates of bids. Hdw. and typed. 10 x 5 x 14. 3 file boxes, 1918-30, aud. stor. rm., bsmt.; 4 file boxes, 1931-, aud. off.

13. BIDS ON ROAD BONDS, 1929-. 1 file box. Bids received for county road bonds, showing date of bid, name of bidder, and amount, term and conditions of bid. Arr. by dates of bids. Hdw. and typed. 10 x 5 x 14. Treas. off.

14. COUNTY INFIRMARY CONTRACTS AND BIDS, 1931-. 1 file box.

Bids accepted and contracts executed for construction work at county infirmary, showing dates, amounts and conditions of bid and contract, names of bidder and contractor, and specifications of work. Arr. by dates of bids. Typed. 10 x 5 x 14. Aud. off.

15. COUNTY INSURANCE POLICIES, 1924-. 1 file drawer.

Original insurance policies covering county property, showing dates of policy and expiration, amounts of insurance and premium, description of property and names of company and agent. Arr. by dates of policies. Typed. 12 x 16 x 18. Aud. off.

16. CONTRACTS VANDERBURGH COUNTY BRIDGES, 1931-. 6 file boxes.

Reports of viewers, bids accepted, and contracts executed for construction, repair and painting of bridges, showing date of filing, amounts and conditions of bids and contracts, names of viewers, bidders and contractors, and specifications of work. Arr. by dates of filing. Typed. 10 x 5 x 14. Aud. off.

17. BIDS AND BONDS FOR STATE HIGHWAY DEPARTMENT, 1934-. 1 file box.

Bids submitted and bonds posted to furnish materials for construction and maintenance of state highways, showing dates and amounts of bid and bond, names of bidder and sureties, itemized statement of nature and amount of material required, detailed particulars of bid and bond, and notice of acceptance or rejection. Arr. by dates of bids. Typed. 10 x 5 x 14. Aud. off.

18. BIDDERS RECORD, 1936-. 1 vol.

Record of bids submitted for materials and supplies for county, showing dates of notice, bid and contract, nature and amount of bid, name of bidder and action of board of commissioners. Arr. by dates of bids. Typed. 150 pp. 14 x 16 x 1. Aud. off.

CLAIMS AND ALLOWANCES

19. COMMISSIONER'S CLAIM AND ALLOWANCE RECORD, 1911-. 18 vols. (1-13, and 5 vols. not numbered).

Record of claims presented for consideration and approval, showing date, number, nature and amount of claim, name of claimant, and date of allowance. Arr. by claim nos. Hdw. 500 pp. 16 x 17 x 2. 13 vols., 1911-32, aud. stor. rm., bsmt.; 5 vols., 1933-, aud. off.

20. BILLS ALLOWED, 1926-. 367 file boxes.

Claims presented to commissioners for allowance and payment, showing date, number, nature and amount of claim, name of claimant, date of allowance, and date, number and amount of warrant. Arr. by dates of claims. Hdw. and typed. 10 x 5 x 14. 302 file boxes, 1926-36, aud. stor. rm., bsmt.; 65 file boxes, 1937-, aud. off.

21. BURIAL RECORD OF SOLDIERS, SAILORS, AND MARINES, 1890-.

Last entry 1915. 1 vol.

Record of commissioners' allowances for burial expenses of deceased soldiers, sailors and marines, showing name, address and age of deceased, date of death, date and place of burial, and itemized statement of expense. Arr. alph. by names of deceased. Hdw. 175 pp. 18 x 12 x 2. Aud. stor. rm., bsmt.

For other military records, see entries 22, 72, 111, 362.

22. BURIAL OF SOLDIERS, 1913-15. 1 file box.

Reports of township trustees to commissioners of expense incurred for burial of war veterans, showing name of deceased, dates of birth and death, and date, place and cost of burial. Arr. alph. by names of veterans. Hdw. 10 x 5 x 14. Aud. stor. rm., bsmt.

For other military records, see entries 21, 72, 111, 362.

PUBLIC IMPROVEMENTS

(See also entries 310-12)

23. COMMISSIONERS' RECORD GRAVEL ROADS, 1911-32. 16 vols. (1-16).

Record of all matters pertaining to gravel road construction and repair, showing dates of petitions, hearing, construction and claims, proof of publication, reports of viewers, cost of construction, kind and amount of claim, and names of road, viewers, petitioners, remonstrators and claimants. Indexed alph. by names of roads. Typed. 550 pp. 16 x 12 x 2½. Aud. stor. rm., bsmt.

For subsequent records, see entry 1.

24. FREE TURNPIKE RECORD, 1883-1913. 4 vols. (1-4).

Discontinued in 1913.

Minutes of meetings of board of turnpike directors, showing date of meeting, names of members present, subjects discussed, and action taken. Arr. by dates of meetings. Hdw. 400 pp. 16 x 10 x 3. Aud. stor. rm., bsmt.

25. ROCK ROAD CONSTRUCTIONS, 1915-20. 1 file box.

Papers pertaining to rock road construction, showing dates of

report and beginning and completion of project, name or number of road, report of highway supervisor of cost of labor, materials and supervision, and total cost of construction. Arr. by dates of reports. Hdw. and typed. 10 x 5 x 14. Aud. stor. rm., bsmt.

26. VARIOUS PETITIONS OF ROADS, 1933-. 1 file box.

Original petitions for construction of roads, showing date of petition, names of petitioners, type, location and general description of road, and reason for petition. Arr. by dates of petitions. Hdw. 10 x 5 x 14. Aud. off.

27. SPECIFICATIONS AND VIEWER'S REPORT, 1917-. 1 file drawer.

Viewers' reports and specifications of proposed work to be done on roads, bridges and buildings, showing date of report, kind of work, kind, quantity and quality of materials to be used, and recommendations to board of commissioners. Arr. by dates of reports. Hdw. 12 x 14 x 36. Aud. off.

28. OPENING AND VACATION OF ROADS, 1931-. 1 file box. Papers pertaining to condemnation proceedings of property preparatory to construction or improvement of roads, showing date of filing, name of property owner, description and location of project and property involved, date, nature and result of proceedings, and proposed date for completion of project. Arr. by dates of filing. Typed. 10 x 5 x 14. Aud. off.

29. REPORTS OF SUPERINTENDENT OF TURNPIKES, 1915-20. 1 file box.

Copies of superintendent's reports to auditor of all expenditures for highway maintenance and repair, showing date of report, amount and nature of expenditure, and condition of road fund. Arr. by dates of reports. Hdw. 10 x 5 x 14. Aud. stor. rm., bsmt.

30. FRANKLIN STREET BRIDGE, 1931. 1 file box.

Papers pertaining to construction of Franklin Street bridge, including bids, contract, specifications, estimate of cost, contractor's bond and commissioners' notice of acceptance, showing date of filing, names of bidder and contractor, type of bridge, and amount of bond. Arr. by dates of filing. Typed. 10 x 5 x 14. Aud. off.

31. STATE, COUNTY, AND TOWNSHIP ROAD UNITS AND BRIDGES. 1913-35. 200 drawings.

Blueprint drawings of road units and bridges, showing name and location of project and details of construction. Published at Evansville. Blueprint. No scale given. 18 x 36. Aud. off.

COLISEUM RECORDS

32. MINUTE BOOK OF THE SAILORS MEMORIAL COLISEUM, 1914-.
1 vol.

Minutes of meetings of board of coliseum directors, showing date of meeting, names of members present, subjects discussed, and action taken. Arr. by dates of meetings. Hdw. 200 pp. 16 x 12 x 1. Aud. off.

33. COLISEUM CASH BOOK, 1927-. 1 vol.

Record of receipts and expenditures for operation of soldiers' and sailors' memorial coliseum, showing date, amount and nature of receipts and disbursements, and names of payer and payee. Arr. by dates of receipts and disbursements. Hdw. 198 pp. 16 x 12 x 1. Aud. off.

34. RECEIPTS FOR RENT OF SAILORS AND SOLDIERS MEMORIAL COLISEUM, 1924-. 1 vol.

Stubs of receipts for rent of soldiers' auditorium, showing date, number and amount of receipt, and name of payee. Arr. by receipt nos. Hdw. 250 pp. 16 x 12 x 1. Aud. off.

35. BILLS [Coliseum Maintanance], 1934-. 2 file boxes.
Bills for repair and maintenance of memorial coliseum, showing date and amount of bill, name of claimant, and nature of claim. Arr. by dates of bills. Typed. 10 x 5 x 14. Aud. off.

II. COUNTY COUNCIL

The Vanderburgh County Council is a statutory body created by the general assembly in 1899.¹ The council is composed of seven members, each elected for a term of four years. The county is divided by the board of commissioners into four councilmanic districts; and one councilman is elected by the voters of each district. Three councilmen at large are elected by the voters of the whole county. Any vacancy in the council is filled by appointment made by the council at a special meeting called by the auditor.² Each councilman at large must be a qualified voter and resident freeholder of the county. Each of the other councilmen must be a qualified voter and resident freeholder of the district from which he was elected or appointed. No person can hold the office of councilman

¹ Acts 1899; Burns 26-501; Baldwin 5365.

² Acts 1899, 1907; Burns 26-502, 26-505; Baldwin 5366, 5369.

while holding any other county office or while holding any state, township, or municipal office.³

The principal functions of the council are making appropriations and county tax levies,⁴ authorizing the borrowing of money for the county,⁵ and authorizing the county to purchase, sell, or convey real estate of the value of \$1,000 or more.⁶

The council holds a regular annual meeting on the first Tuesday after the first Monday of September each year. Special meetings may be called by the auditor or a majority of the members of the council.⁷ The sessions are open to the public and may continue until all business is completed.⁸ The auditor, as ex officio clerk of the council, keeps in his office the files and papers of the council and a record of its proceedings.⁹ The sheriff, by himself or deputy, attends the sessions of the council and executes its orders.¹⁰

A majority of all the members constitutes a quorum to do business, and such majority must concur in the passage of ordinances.¹¹ A greater vote is required in order to expel a member,¹² adopt appropriations not included in budget estimates,¹³ adopt appropriations at a special meeting,¹⁴ and to levy taxes for the repair, maintenance, or preservation of county highways.¹⁵

36. COUNTY COUNCIL RECORD, 1899-. 4 vols. (1-4).

Minutes of county council meetings, showing date of meeting, names of members present, business discussed, and action taken. Also contains: [Board of Tax Adjustment Record], 1933-, entry 293. Arr. by dates of meetings. 1899-1912, hdw.; 1913-, typed. 1 vol., 1899-1912, aud. stor. rm. bsmt.; 3 vols., 1913-, aud. off.

³ Acts 1899; Burns 26-504; Baldwin 5368.

⁴ Acts 1899, 1931; Burns 26-507, 26-515, 26-520; Baldwin 5371, 5379, 5384. Acts 1899, 1907, 1913, 1937; Burns, 1938 suppl., 26-521; Baldwin, 1937 suppl., 5385.

⁵ Acts 1899, 1921, 1929; Burns 26-532; Baldwin 5396.

⁶ Acts 1899; Burns 26-534; Baldwin 5399.

⁷ Acts 1899, 1931; Burns 26-507; Baldwin 5371.

⁸ Acts 1899; Burns 25-508; Baldwin 5372.

⁹ Acts 1899; Burns 26-509; Baldwin 5373.

¹⁰ Acts 1899; Burns 26-510; Baldwin 5374.

¹¹ Acts 1899; Burns 26-511; Baldwin 5375.

¹² Acts 1899; Burns 26-512; Baldwin 5376.

¹³ Acts 1899; Burns 26-520; Baldwin 5384.

¹⁴ Acts 1899, 1907, 1913, 1937; Burns, 1938 suppl., 26-521; Baldwin, 1937 suppl., 5385.

¹⁵ Acts 1932 (Spec. Sess.); Burns 36-905; Baldwin 8715.

37. ORDINANCE OF APPROPRIATIONS, 1931-. 4 file boxes. Estimates of expenses of all county offices submitted to county council for approval, showing date of estimate, name of office, nature and amount of expense, and approval of county council. Arr. by dates of estimates. Hdw. 10 x 5 x 14. Aud. off.

38. ADDITIONAL APPROPRIATION AND VARIOUS PETITIONS, 1935-. 1 file box. Petitions for additional appropriations, showing date of petition, names of petitioners, amount of appropriation requested, notice of publication, and final action. Arr. by dates of petitions. Typed. 10 x 5 x 14. Aud. off.

39. OATHS COUNTY COUNCIL MEMBERS, 1922-. 1 file box. Oaths taken by members of county council, showing date and nature of oath and name of member. Arr. by dates of oaths. Typed. 5 x 4 x 10. Aud. off.

III. CLERK OF THE CIRCUIT COURT

The clerk of the circuit court, commonly referred to as "county clerk", is a constitutional officer, elected for a four-year term by the voters of the county. The office was created by the Constitution of 1816 and re-created by the Constitution of 1851. No person is eligible to the office of clerk of the circuit court for more than eight years in any twelve-year period.¹ The clerk is required to give bond in the amount fixed by the board of commissioners.²

As an officer of the circuit court, the clerk performs numerous duties. He, in person or by deputy, attends the circuit court and performs the clerk's customary duties at trials;³ files pleadings and papers and endorses thereon the time of such filing;⁴ issues summonses,⁵ notices for service

¹ Const. 1816, art. 5, sec. 8. Const., art. 6, sec. 2. 2 Rev. Stat. 1852; Burns 49-2701; Baldwin 1427.

At the first election, held on February 16, 1818, Hugh McGary was elected recorder and clerk of the circuit court, as authorized by Const. 1816, art. 11, sec. 10. *History of Vanderburgh County* (1889), 52, 574, 575.

² Acts 1875; Burns 49-2703, 49-2704; Baldwin 1430, 1431.

³ 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

⁴ Acts 1881 (Spec. Sess.); Burns 2-802, 2-1641; Baldwin 83, 288. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

⁵ Acts 1881 (Spec. Sess.); Burns 2-802; Baldwin 83.

by publication,⁶ attachment writs,⁷ garnishment writs,⁸ executions,⁹ and witness subpoenas;¹⁰ administers oaths;¹¹ takes depositions of witnesses;¹² keeps court dockets;¹³ records orders, judgments,¹⁴ notices of lis pendens,¹⁵ and probated wills;¹⁶ draws up a record of the proceedings of the court daily;¹⁷ enters in a final record book a complete record of causes finally determined;¹⁸ and receives payments for all judgments of record in his office.¹⁹ Under authority of the federal laws, he files naturalization declarations and certificates, keeps records of naturalization proceedings, and makes a report thereof to the United States Immigration and Naturalization Service.²⁰ He is ex officio clerk of the superior court and probate court of the county; and performs therein duties similar to his duties in the circuit court.²¹ From 1829 until 1853, he was ex officio clerk of a former probate court of the county (abolished in 1853);²² from 1853 until 1873, he was

⁶ Acts 1881 (Spec. Sess.), 1885, 1935; Burns, 1938 suppl., 2-807; Baldwin, 1935 suppl., 88.

⁷ Acts 1881 (Spec. Sess.); Burns 3-509; Baldwin 777.

⁸ Acts 1881 (Spec. Sess.), 1897; Burns 3-522; Baldwin 791.

⁹ Acts 1881 (Spec. Sess.); Burns 2-3301 to 2-3314; Baldwin 521 *et seq.*

¹⁰ Acts 1881 (Spec. Sess.); Burns 2-1701; Baldwin 289.

¹¹ 2 Rev. Stat. 1852; Burns 49-2708; Baldwin 1435.

¹² Acts 1881 (Spec. Sess.); Burns 2-1501; Baldwin 211.

¹³ Acts 1881 (Spec. Sess.), 1929; Burns 2-2520, 2-3314; Baldwin 392, 524. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

¹⁴ Acts 1893; Burns 2-822; Baldwin 103. Acts 1881 (Spec. Sess.), 1929; Burns 2-2520, 2-2706; Baldwin 392, 421. Acts 1915; Burns 3-1410; Baldwin 968 note. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

¹⁵ Acts 1881 (Spec. Sess.), 1889; Burns 2-813 to 2-821; Baldwin 94 to 102. Acts 1893; Burns 2-822; Baldwin 103. Acts 1905; Burns 56-505; Baldwin 14708-1.

¹⁶ Domestic probate. Acts 1881 (Spec. Sess.), 1883; Burns 6-2205; Baldwin 3014. 2 Rev. Stat. 1852; Burns 7-411; Baldwin 3385. Foreign probate. 2 Rev. Stat. 1852; Burns 7-415 to 7-417; Baldwin 3389 to 3391.

¹⁷ 2 Rev. Stat. 1852, Acts 1885, 1933; Burns 4-324; Baldwin 1413.

¹⁸ 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

¹⁹ Acts 1875; Burns 49-2719; Baldwin 1438.

²⁰ Acts of Congress 1906, 1911, 1913; U. S. C., title 8, sec. 357. Acts of Congress 1906; U. S. C., title 8, sec. 400. U. S. Executive Order (June 10, 1933) 6166, sec. 14. Acts 1933, 1937; Burns, 1938 suppl., 49-1007; Baldwin, 1937 suppl., 7537.

²¹ Acts 1877; Burns 4-2003, 4-2004; Baldwin 1688-26, 1688-27. Acts 1919; Burns 4-3004, 4-3005; Baldwin 1805, 1806.

²² Rev. Laws 1831, ch. 25, sec. 7. 1 Rev. Stat. 1852, ch. 92, sec. 1. 2 Rev. Stat. 1852, pt. 1, ch. 8, sec. 43.

ex officio clerk of the common pleas court of the county (abolished in 1873);²³ and from 1868 to 1877, he was ex officio clerk of the criminal court of the county (abolished in 1877).²⁴ He prepares budget estimates for the circuit court, superior court, and probate court.²⁵

He serves ex officio as registration officer for the county²⁶ and as a member of the county election boards.²⁷ He issues licenses for marriages,²⁸ physicians, surgeons,²⁹ midwives,³⁰ osteopaths,³¹ chiropractors,³² dentists,³³ optometrists,³⁴ hunting, trapping, fishing,³⁵ poultry dealers,³⁶ and junk dealers.³⁷ He approves, files, and keeps a record of the bonds of county officers, township officers (unless other provision is made by law),³⁸ and notaries public.³⁹ He records timber brands,⁴⁰ certificates of patents granted by the United States Patent Office,⁴¹ firearms permits,⁴² assumed business names,⁴³ appointments of railroad agents for service of process,⁴⁴ and termination of authority of railroad

²³ 2 Rev. Stat. 1852, pt. 1, ch. 8, secs. 25, 26. Acts 1873; Burns 4-328; Baldwin 1417.

²⁴ Acts 1869 (Spec. Sess.), ch. 23, sec. 1; ch. 25, sec. 1. Acts 1877, ch. 34, secs. 25, 26.

²⁵ Acts 1899; Burns 26-516; Baldwin 5380.

²⁶ Acts 1933, 1935; Burns, 1938 suppl., 29-306; Baldwin, 1935 suppl., 7304.

²⁷ Board of primary election commissioners. Acts 1915, 1917; Burns 29-504; Baldwin 7190.

Board of election commissioners. Acts 1899; Burns 29-1002; Baldwin 7109. Board of canvassers. Acts 1905; Burns 29-1402; Baldwin 7378.

²⁸ 1 Rev. Stat. 1852; Burns 44-201; Baldwin 5622.

²⁹ Acts 1881, ch. 19, secs. 10, 11. Acts 1897; Burns 63-1303; Baldwin 10705.

³⁰ Acts 1897; Burns 63-1309; Baldwin 10709.

³¹ Acts 1901; Burns 63-1316; Baldwin 10716.

³² Acts 1927; Burns 63-1312; Baldwin 10713.

³³ Acts 1899, ch. 211, secs. 5, 7-11. Acts 1913, 1931, 1935; Burns, 1938 suppl., 63-504; Baldwin, 1935 suppl., 5589.

³⁴ Acts 1907, 1935; Burns, 1938 suppl., 63-1011; Baldwin, 1935 suppl., 13182.

³⁵ Acts 1937; Burns, 1938 suppl., 11-1403; Baldwin, 1937 suppl., 8229-3.

³⁶ Acts 1917, 1929, 1932 (Spec. Sess.); Burns 42-802; Baldwin 10486.

³⁷ Acts 1905; Burns 42-703; Baldwin 10462.

³⁸ 1 Rev. Stat. 1852; Burns 49-105; Baldwin 13063. Acts 1857; Burns 49-124; Baldwin 13077.

2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

³⁹ 1 Rev. Stat. 1852, Acts 1855; Burns 49-3503; Baldwin 13016.

⁴⁰ Acts 1901; Burns 51-338; Baldwin 13265.

⁴¹ Acts 1869 (Spec. Sess.), 1899; Burns 51-401; Baldwin 2772.

⁴² Acts 1935, 1937; Burns, 1938 suppl., 10-4738; Baldwin, 1937 suppl., 2569-5.

⁴³ Acts 1909; Burns 50-201, 50-202; Baldwin 13210, 13211.

⁴⁴ Acts 1877 (Spec. Sess.); Burns 55-3301 to 55-3303; Baldwin 14329 to 14331.

policemen.⁴⁵ He records marriage licenses, the application therefor, and certificates of marriage;⁴⁶ and makes monthly reports to the county health officer concerning marriages for the preceding month.⁴⁷ He registers certificates of trained nurses,⁴⁸ and keeps a register of estrays and articles adrift.⁴⁹ Formerly, he issued licenses for veterinarians⁵⁰ and petty money lenders,⁵¹ and kept a register of certificates of agents of foreign insurance companies.⁵²

The clerk keeps a cashbook,⁵³ a daily balance record,⁵⁴ and a register of fees received by him;⁵⁵ and must preserve in his office all records and writings appertaining to his official duties.⁵⁶

OFFICIAL BONDS

(See also entries 376, 377)

40. OFFICIAL BOND RECORD, 1853-. 3 vols. (1-3).

Record of bonds posted by county officials to insure faithful performance of duties, showing date, amount and conditions of bond, names of official, office and sureties, and approval of commissioners. Also contains: Record of Official Bonds, Justice of Peace and Constable, 1853-98, 1919-, entry 43. Indexed alph. by names of officials; for separate index, 1889-95, see entry 41. 1853-1920, hdw.; 1921-, typed. 300 pp. 18 x 12 x 2½. 1 vol., 1853-Oct. 1876, clk. rec. rm.; 2 vols., Nov. 1876-, clk. off.

41. OFFICIAL BOND INDEX RECORD, 1889-95. 1 vol.

Partial index to Official Bond Record, entry 40, showing names of official and sureties, type of bond, and volume and page reference to recording. Arr. alph. by names of officials. Hdw. 450 pp. 18 x 12 x 3. Clk. stor. rm., bsmt.

⁴⁵ Acts 1927; Burns 55-3408; Baldwin 14654.

⁴⁶ Acts 1905, 1917; Burns 44-205; Baldwin 5625.

⁴⁷ Acts 1881, ch. 19, sec. 11. Acts 1907, 1913; Burns 35-115; Baldwin 8398.

⁴⁸ Acts 1905, 1913, 1931; Burns 63-903; Baldwin 13036.

⁴⁹ 1 Rev. Stat. 1852; Burns 51-306, 51-315; Baldwin 13233, 13243.

⁵⁰ Acts 1901, ch. 189, sec. 7 (repealed by Acts 1905, ch. 98, sec. 17).

⁵¹ Acts 1913, ch. 167, secs. 1-4 (repealed by Acts 1917, ch. 125, sec. 6).

⁵² Acts 1865, 1877, 1899; Burns 39-1701; Baldwin 9567. (repealed by Acts 1935, ch. 162, sec. 276).

⁵³ Acts 1879 (Spec. Sess.); Burns 49-2722; Baldwin 1442.

⁵⁴ Acts 1937; Burns, 1938 suppl., 61-623; Baldwin, 1937 suppl., 13644-44.

⁵⁵ Acts 1879 (Spec. Sess.); Burns 49-2723; Baldwin 1443.

⁵⁶ 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

42. OFFICIAL BONDS, 1818-. 7 file boxes.

Bonds posted by county officials as assurance of faithful performance of duties, showing date, amount and conditions of bond, names of official, office and sureties, and volume and page reference to Official Bond Record, entry 40. Arr. by dates of bonds. Hdw. 10 x 5 x 14. 5 file boxes, 1818-1906, clk. stor. rm., bsmt.; 2 file boxes, 1907-, clk. off.

43. RECORD OF OFFICIAL BONDS, JUSTICE OF PEACE AND CONSTABLE, 1899-1918. 1 vol. (3). 1853-98, 1919-, in Official Bond Record, entry 40.

Record of bonds posted by justices of peace and constables to insure faithful performance of duties, showing date, amount and conditions of bond, names of principal and sureties, and date of approval. Indexed alph. by names of principals. Hdw. 440 pp. 18 x 12 x 3. Clk. rec. rm.

44. NOTARIAL BOND RECORD, 1880-. 10 vols. (2-11).

Record of bonds posted by persons commissioned as notaries public, showing date, amount and conditions of bond, names of notary and sureties, and period of commission. Indexed alph. by names of notaries. Hdw. 650 pp. 18 x 12 x 3. 9 vols., 1880-Mar. 13, 1936, clk. rec. rm.; 1 vol., Mar. 24, 1936-, clk. off.

45. NOTARY BONDS, 1910-. 6 file boxes.

Original bonds posted by persons commissioned as notaries public, showing date, amount and conditions of bond, names of notary and sureties, and expiration date of commission. Arr. by dates of bonds. Typed. 10 x 5 x 14. Clk. rec. rm.

LICENSES AND CERTIFICATES

MARRIAGE

(See also entries 413, 416)

46. MARRIAGE LICENSE RECORD APPLICATION, 1835-. 114 vols. (1-114).

Record of marriage applications, licenses and returns, showing dates of application, license, marriage and return, names of bride, groom, parents, witnesses and person officiating, and ages, color, residences, occupations, marital status, physical and mental condition, and dates and places of birth of bride and groom. Indexed alph. by names of brides and grooms. Hdw. 550 pp. 18 x 12 x 3. Clk. off.

47. MARRIAGE APPLICATIONS AND LICENSES, 1905-12, 1922-. 32 file boxes.

Applications for marriage licenses, showing date and number

of application, and names, addresses, ages, color and family history of bride and groom. Arr. by dates of applications. Hdw. 10 x 5 x 14. 26 file boxes, 1905-12, clk. stor. rm., bsmt.; 6 file boxes, 1922-, clk. off.

48. MARRIAGE RETURNS, 1822-. 54 file boxes.

Certificates of marriages performed returned to clerk by person officiating, showing dates of marriage and certificates, names of bride and groom, and name and address of person officiating. Arr. by dates of certificates. Hdw. 10 x 5 x 14. 18 file boxes, 1822-Aug. 1910, clk. stor. rm., bsmt.; 36 file boxes, Sept. 1910-, clk. off.

49. MARRIAGE AFFIDAVITS, 1854-36. 8 file boxes (1-8).

After 1886, affidavits included with marriage applications.

Affidavits of facts required by clerk upon application for marriage licenses, showing date and nature of affidavit and names of applicants and affiant. Arr. by dates of affidavits. Hdw. 10 x 5 x 14. Clk. stor. rm., bsmt.

PHYSICIANS

50. PHYSICIANS' LICENSE RECORD, 1885-. 3 vols.

Record of certificates issued by state board of medical registration and examination and licenses issued to physicians to practice in county, showing dates of graduation, certificate and license, name, age, address, qualifications and date and place of birth of physician, and name of college attended. Also contains: Drugless Physician's License Record, 1885-1927, entry 52. Indexed alph. by names of physicians. Hdw. 150 pp. 16 x 10 x 1. 2 vols., 1885-June 7, 1889, clk. rec. rm.; 1 vol., June 15, 1889-, clk. off.

51. PHYSICIANS' LICENSES, 1905-17, 1925-. 2 file boxes.

Certificates issued to physicians by state board of medical registration and examination and submitted to clerk to obtain licenses to practice in county, showing names of physician and school attended, and dates of graduation, certificate and license. Also contains: Drugless Physician's Licenses, 1932-, entry 53; Dentists' License, 1905-17, entry 55; Nurses' Certificates, 1905-17, entry 58. Arr. by dates of licenses. Hdw. and typed. 10 x 5 x 14. Clk. off.

52. DRUGLESS PHYSICIAN'S LICENSE RECORD, 1928-. 1 vol.

1885-1927 in Physicians' License Record, entry 50. Record of certificates issued by state board of medical registration and examination and licenses issued to drugless physicians to practice in county, showing dates of certificate

and license, name and address of physician, nature of license, and name of college attended. Arr. by dates of licenses. Hdw. 300 pp. 10 x 8 x 1. Clk. off.

53. DRUGLESS PHYSICIANS' LICENSES, 1928-31. 1 file box.

1932- in Physicians' Licenses, entry 51.

Certificates issued to drugless physicians by state board of registration and examination and submitted to clerk to obtain licenses to practice in county, showing names of physician and school attended, dates of graduation, certificate and license, and method of treatment. Arr. by dates of certificates. Hdw. and typed. 10 x 5 x 14. Clk. off.

DENTISTS

54. DENTISTS' CERTIFICATE AND LICENSE, 1898-. 1 vol.

Record of certificates issued by state board of dental examiners and licenses issued to practice dentistry in county, showing dates of certificate and license, and name, age, address and birthplace of dentist. Indexed alph. by names of dentists. Hdw. 200 pp. 18 x 12 x 1. Clk. off.

55. DENTIST'S LICENSE, 1924-. 2 file boxes. 1905-17 in Physicians' Licenses, entry 51.

Certificates issued to dentists by state board of dental examiners and submitted to clerk to obtain licenses to practice in county, showing names of dentist and school attended, and dates of graduation, certificate and license. Arr. by dates of licenses. Typed. 10 x 5 x 14. Clk. off.

OPTOMETRISTS

56. CERTIFICATE OF REGISTRATION TO PRACTICE OPTOMETRY, 1907-. 1 vol.

Record of certificates issued by state board of registration and examination in optometry and licenses issued to practice in county, showing dates of certificate and license and name and address of optometrist. Indexed alph. by names of optometrists. Hdw. 184 pp. 14 x 10 x 1. Clk. off.

NURSES

57. REGISTER OF TRAINED NURSES, 1905-. 1 vol.

Register of trained nurses practicing in county, showing name and address of nurse and dates of certificate and license. Indexed alph. by names of nurses. Hdw. 205 pp. 10 x 10 x 1. Clk. off.

58. NURSES' CERTIFICATES, 1929-. 2 file boxes. 1905-17 in Physicians' Licenses, entry 51.

Certificates issued to nurses by state board of examination and registration and submitted to clerk to obtain licenses to practice in county, showing name and address of nurse, and dates of graduation, certificate and license. Arr. by dates of certificates. Hdw. 10 x 5 x 14. Clk. off.

COMMERCIAL

59. APPLICATION FOR POULTRY DEALERS LICENSES, 1917-. 1 file box.

Applications for licenses to purchase poultry, showing date of application, names of applicant and firm, and location of business. Arr. by dates of applications. Hdw. and typed. 10 x 5 x 14. Clk. off.

60. POULTRY DEALERS' LICENSE BOOK, 1917-. 1 vol.

Record of applications for and licenses issued to purchase poultry, showing dates of application and license, names of applicant and firm, and location of business. Arr. by dates of licenses. Hdw. 150 pp. 14 x 9 x 1. Clk. off.

61. APPLICATION FOR JUNK DEALER'S LICENSE, 1905-. 1 file box.

Applications for licenses to buy and sell junk, showing dates and numbers of application and license, names of applicant and witnesses, and location of business. Arr. by dates of applications. Hdw. and typed. 10 x 5 x 14. Clk. off.

62. JUNK DEALERS' LICENSE RECORD, 1905-. 1 vol.

Record of applications for and licenses issued to buy and sell junk, showing dates of application and license, names of applicant and witnesses, and location of business. Arr. by dates of licenses. Hdw. 102 pp. 16 x 10 x 1. Clk. off.

63. REGISTER OF INSURANCE AGENTS' CERTIFICATES, 1897-1921. 2 vols. Discontinued. Agent's license as now issued by state valid in every county.

Record of certificates issued by auditor of state to agents of insurance companies authorizing them to transact business in county, showing dates of filing and expiration, names and addresses of company and agent, and assets and liabilities of company. Indexed alph. by names of companies and agents. Hdw. 500 pp. 18 x 12 x 2½. Clk. rec. rm.

64. RECORD OF LIQUOR PERMITS, 1887-88, 1919-27. 2 vols. (1, and 1 vol. not numbered). Discontinued by act of 1933.

Record of permits issued authorizing sale of spirituous.

vinous and malt liquors, showing date, number and term of permit, name of dealer, and location of business. 1887-88, indexed alph. by names of dealers; 1919-27, arr. alph. by names of dealers. Hdw. 790 pp. 18 x 12 x 2½. 1 vol., 1887-88, clk. stor. rm., bsmt.; 1 vol., 1919-27, clk. off.

65. PATENT RIGHT AFFIDAVITS, 1869-98. 4 file boxes. Affidavits of patents registered in county to protect patentees, showing date of filing, number and description of patent, name, age, address and occupation of patentee, and certified letters of patent. Arr. by dates of filing. Hdw. 10 x 5 x 14. Clk. stor. rm., bsmt.

FIREARMS

66. APPLICATION FOR FIREARM PERMIT, 1925-. 3 vols. Record of applications for permits to carry firearms, showing number and date of application, name, address and description of applicant, type of firearm, and reason for permit. Arr. by dates of applications. Hdw. 100 pp. 14 x 10 x 1. Clk. off.

67. RECORD OF SALE AND PURCHASE OF REVOLVERS, 1925-. 3 file boxes. Reports of licensed dealers on sale of firearms, showing dates of report and sale, name and address of dealer, name, address and description of purchaser, and make, calibre and serial number of firearm. Arr. by dates of reports. Hdw. 10 x 5 x 14. 1 file box, 1925-28, clk. rec. rm.; 2 file boxes, 1929-, clk. off.

HUNTING AND FISHING

68. HUNTING AND FISHING LICENSES, 1934-. 2 cartons, 1 file drawer. Stubs of hunting and fishing licenses issued, showing date, number and term of license, name and description of licensee, and amount of fee. Arr. by license nos. Hdw. Cartons, 6 x 12 x 18; file drawers, 6 x 18 x 24. 2 cartons, 1934-36, clk. stor. rm., bsmt.; 1 file drawer, 1937-, clk. off.

69. MONTHLY REPORTS OF FISHING AND HUNTING LICENSE, 1930-. 1 bdl., 1 file box. Duplicate monthly reports to state department of conservation of hunting and fishing licenses issued, showing date of report, date and number of license, name and address of licensee, and amount of fee. Arr. by dates of reports. Typed. Bdl., 18 x 12 x ½; file box, 10 x 5 x 14. 1 bdl., 1930-33, clk. stor. rm., bsmt.; 1 file box, 1934-, clk. off.

BUSINESS ASSOCIATIONS

(See also entries 112-14)

70. CERTIFICATE OF FIRMS, PARTNERSHIPS, OR CORPORATIONS, 1913-. 1 vol.

Record of individuals, firms, or corporations doing business under trade names, showing date of registration, names of firm and owners, and kind and location of business. Indexed alph. by names of firms. Hdw. 300 pp. 18 x 12 x 2. Clk. off.

71. PARTNERSHIP, 1925-. 1 file box.

Certificates of individuals, firms, and corporations doing business under trade names, showing date of certificate, names of firm and owners, and kind and location of business. Arr. by dates of certificates. Hdw. 10 x 5 x 14. Clk. off.

MILITARY RECORDS

(See also entries 21, 22, 111, 362)

72. THE ENROLLMENT OF LATE SOLDIERS, THEIR WIDOWS AND ORPHANS, 1886, 1890. 2 vols.

Record of deceased soldiers and their widows and orphans, showing name, age, color, address and military rank of deceased, type of service, company letter, regiment number, cause, date and place of death, and names of wife, children and other dependents. Indexed alph. by names of soldiers. Hdw. 600 pp. 18 x 14 x 3. Clk. stor. rm., bsmt.

MISCELLANEOUS

73. OATHS OF OFFICE, RESIGNATION AND APPOINTMENTS, 1852-. 5 file boxes.

Appointments of officials and deputies, oaths of office, and resignations, showing name and address of official or deputy, dates of appointment, oath and resignation, term of office, and cause of resignation. Arr. by dates of appointments. Hdw. 10 x 5 x 14. 1 file box, 1852-Nov. 1921, clk. stor. rm., bsmt.; 4 file boxes, Dec. 1921-, clk. rec. rm.

74. ESTRAY RECORDS, 1853-85. 1 vol.

Record of estrayed animals found, showing dates of notice and recording, names of finder and publication, and number and description of animals. Arr. by dates of recording. Hdw. 600 pp. 18 x 12 x 3. Clk. stor. rm., bsmt.

75. MISCELLANEOUS, 1824-42, 1877-90, 1933-36. 4 file boxes. Miscellaneous papers in clerk's files. Contains: [Receipts

for Sale of Estrays], 1877-90, entry 76; [Receipts for Redemption of Land], 1933-36, entry 82; [Naturalization Statements], 1824-42, entry 181. Hdw. 10 x 5 x 14. Clk. stor. rm., bsmt.

76. [RECEIPTS FOR SALE OF ESTRAYS], 1877-90. In Miscellaneous, entry 75.

Duplicates of receipts issued to trustees by treasurer for money paid treasurer derived from sale of estrayed animals, showing date and amount of receipts, and name of trustee. Arr. by dates of receipt.

RECEIPTS AND DISBURSEMENTS

77. CLERK'S DAILY BALANCE AND CASH STATEMENT, 1912-. 15 vols. (1-6, and 9 vols. not numbered).

Record of daily balances of all receipts and disbursements, showing amounts of receipts and disbursements, date of balance, balance in banks, and cash on hand. Arr. by dates of balances. Hdw. 560 pp. 12 x 12 x 3. 9 vols. 1912-April 20, 1928, clk. stor. rm., bsmt.; 2 vols., April 21, 1928-Dec. 23, 1931, clk. rec. rm.; 4 vols., Dec. 24, 1931-, clk. off.

78. CASH BOOK, 1907-8, 1910-11, 1913-. 41 vols. (A-Z, A1-L1, and 3 vols. not labeled).

Record of cash collected on court causes, showing date, amount and purpose of payment, name of payer, title of cause, and distribution of collections. Arr. by dates of payments. Hdw. 396 pp. 18 x 12 x 2. 29 vols., 1907-8, 1910-11, 1913-Sept. 24, 1928, clk. stor. rm., bsmt.; 12 vols., Sept. 25, 1928-, clk. off.

79. RECEIPTS AND DISBURSEMENTS, 1926-. 7 vols., (10-15, and 1 vol. not numbered).

Record of cash received and disbursed by clerk, showing date, amount and nature of receipt or disbursement, names of payer and payee, and fund debited or credited. Arr. by dates of receipts and disbursements. Hdw. 320 pp. 18 x 18 x 3. 1 vol., 1926-June 15, 1927, clk. stor. rm., bsmt.; 4 vols., June 16, 1927-Jan. 23, 1934, clk. rec. rm.; 2 vols., Jan. 24, 1934-, clk. off.

For prior records, see entries 80, 81.

80. CASH BOOK OF RECEIPTS, 1912-25. 9 vols. (2 vols. not numbered, 3-9).

Record of cash received from various sources, showing date amount and source of receipt, name of payer, and memorandum of distribution. Arr. by dates of receipts. Hdw. 200 pp. 6 x 20 x 2. Clk. stor. rm., bsmt.

For subsequent records, see entry 79.

81. CASH BOOK OF DISBURSEMENTS, 1912-25. 3 vols. (2, 4, and 1 vol. not numbered).

Record of cash disbursed by clerk, showing date, amount and purpose of disbursement, name of payee, and memorandum of distribution. Arr. by dates of disbursements. Hdw. 240 pp. 18 x 12 x 2. 2 vols., 1912-Apr. 1918, Sept., 1923-25, clk. stor. rm., bsmt.; 1 vol., May 1918-Aug. 1923, clk. rec. rm.

For subsequent records, see entry 79.

82. [RECEIPTS FOR REDEMPTION OF LAND], 1933-36. In Miscellaneous, entry 75.

Duplicates of receipts issued for funds received for redemption of real property previously sold for satisfaction of judgments, showing date and amount of receipt, name of payer, and location and description of property. Arr. by dates of receipts.

83. CANCELLED CHECKS, 1912-. 22 bdls.; 14 file boxes. Checks drawn by clerk for disbursement of funds in depositories, showing dates of issue and cancellation, names of payee and depository, and purpose and amount of payment. Arr. by dates of issues. Hdw. Bdls., 8 x 4 x 1; file boxes, 10 x 5 x 14. 22 bdls., 1912-33, clk. stor. rm., bsmt.; 14 file boxes, 1926-, clk. off.

MAPS

84. THE CITY OF EVANSVILLE AND ENVIRONS, 1932. 1 map. Political map, showing township, street and block divisions of Evansville and environs. Published at Evansville. Colored. No scale given. 52 x 82. Clk. off.

IV. RECORDER

The recorder is a constitutional officer elected for a four-year term by the voters of the county. The office was created by the Constitution of 1816, and re-created by the Constitution of 1851. No person is eligible to hold the office of recorder for more than eight years in any twelve year period. The recorder is required to post bond in the amount of \$4,000.¹

¹ Const., 1816, art. 11, sec. 10. Const., art. 6, sec. 2. 1 Rev. Stat. 1852, Acts 1901; Burns 49-3201; Baldwin 5469.

At the first election, held on February 16, 1818, Hugh McGary was elected recorder and clerk of the circuit court, as authorized by Const. 1816, art. 11, sec. 10. *History of Vanderburgh County* (1889), 52, 574, 575.

The recorder records the following documents: Deeds;² land patents;³ mortgages and satisfactions, releases, and assignments thereof;⁴ federal tax lien notices and satisfactions and releases thereof;⁵ satisfactions of vendors' liens;⁶ statutory liens of laborers, materialmen,⁷ and owners of stallions;⁸ conditional sales contracts;⁹ leases;¹⁰ powers of attorney;¹¹ probated wills;¹² maps and plats;¹³ surveys establishing a meridian line;¹⁴ surveyor's field notes;¹⁵ decrees quieting title to lands;¹⁶ farm names;¹⁷ marks and brands of ani-

² Acts 1881 (Spec. Sess.); Burns 2-1626, 3-1008; Baldwin 267, 894. 1 Rev. Stat. 1852; Burns 49-3210, 56-118, 56-131; Baldwin 5475, 14664, 14665. 1 Rev. Stat. 1852, Acts 1875, 1913, 1921, 1923; Burns 56-119; Baldwin 14671. Cemetery records. 1 Rev. Stat. 1852; Burns 25-1521, 25-1522; Baldwin 10600, 10602. Acts 1925; Burns 21-223; Baldwin 4648.

³ Acts 1881; Burns 2-1632; Baldwin 271.

⁴ Acts 1937; Burns, 1938 suppl., 2-625; Baldwin, 1937 suppl., 61-2c. Acts 1905; Burns 49-3203, 49-3204; Baldwin 5472, 5473. 1 Rev. Stat. 1852; Burns 49-3210; Baldwin 5475. 1 Rev. Stat. 1852, Acts 1875, 1913, 1921, 1923; Burns 56-119; Baldwin 14671. 1 Rev. Stat. 1852; Burns 56-122; Baldwin 14673. 2 Rev. Stat. 1852; Burns 56-708; Baldwin 992. Acts 1901; Burns 56-709, 56-710; Baldwin 993, 994. Acts 1925; Burns 56-712, 56-713; Baldwin 10575, 10576. 2 Rev. Stat. 1852, Acts 1877; Burns 56-715; Baldwin 996. Acts 1877; Burns 56-716; Baldwin 998. Acts 1899; Burns 56-717; Baldwin 997. Chattel mortgages. Acts 1935; Burns, 1938 suppl., 51-504 to 51-515; Baldwin, 1935 suppl., 13227-4 to 13227-15.

⁵ Acts 1925; Burns 49-3221 to 49-3225; Baldwin 10570 to 10574.

⁶ Acts 1937; Burns, 1938 suppl., 2-625; Baldwin, 1937 suppl., 61-2c. Acts 1889; Burns 56-144, 56-145; Baldwin 14702, 14703.

⁷ Acts 1909; Burns 43-703, 43-704; Baldwin 10507, 10508.

⁸ Acts 1913, 1933; Burns 16-910; Baldwin 3793.

⁹ Acts 1935; Burns, 1938 suppl., 58-806, 58-809 to 58-811; Baldwin, 1935 suppl., 14857-5, 14857-8 to 14857-10.

¹⁰ 1 Rev. Stat. 1852; Burns 56-118; Baldwin 14664. 1 Rev. Stat. 1852, Acts 1875, 1913, 1921, 1923; Burns 56-119; Baldwin 14671. Acts 1897; Burns 56-120.

¹¹ Acts 1883; Burns 49-1309, 56-108, 56-109; Baldwin 14733, 14729, 14732. 1 Rev. Stat. 1852; Burns 56-106, 56-107, 56-137; Baldwin 14730, 14731.

¹² Acts 1891; Burns 7-712; Baldwin 3413. Acts 1933; Burns 7-713; Baldwin 3414.

¹³ Acts 1881 (Spec. Sess.); Burns 6-1127; Baldwin 3168. Acts 1925; Burns 21-219; Baldwin 4644. Acts 1905; Burns 48-801, 48-802; Baldwin 12473, 12474. 1 Rev. Stat. 1852; Burns 25-1522, 49-3232; Baldwin 10602, 5432.

¹⁴ Acts 1895; Burns 49-3327 to 49-3329; Baldwin 10849 to 10851.

¹⁵ 1 Rev. Stat. 1852, Acts 1925; Burns 49-3205; Baldwin 5470. 1 Rev. Stat. 1852, Acts 1911; Burns 49-3309; Baldwin 5508.

¹⁶ Acts 1911; Burns 3-1409; Baldwin 968.

¹⁷ Acts 1913; Burns 49-3226 to 49-3230; Baldwin 5488 to 5492.

mals;¹⁸ limited partnerships;¹⁹ indentures of apprentices;²⁰ notices of disputes of easements;²¹ soldiers' and sailors' discharge papers;²² old-age assistance awards;²³ corporate charters and proceedings;²⁴ and documents concerning railroads.²⁵

The forms and methods to be used by the recorder are described in detail in the statutes. He keeps an entry book in which he enters, as filed, all instruments delivered to him for recording, noting the day and hour received, which time is the legal date of recording.²⁶ He keeps a fee book and a cashbook, and enters therein, as received, all money received in his office.²⁷ He is required to index the deeds, mortgages, and other instruments recorded by him.²⁸

ENTRY OF INSTRUMENTS FOR RECORDING

85. RECORDER'S ENTRY AND FEE BOOK, 1822-. 39 vols. (1-39).

Record of instruments filed for recording, showing dates of filing and recording, kind, date, number and description of instrument, names of principals, volume and page reference to recording, and amount of fee. Arr. by instrument nos. Hdw. 250 pp. 16 x 10 x 2. Recr. off.

¹⁸ 1 Rev. Stat. 1852; Burns 49-3231; Baldwin 5474.

¹⁹ Acts 1859; Burns 50-104, 50-106, 50-112; Baldwin 13195, 13197, 13209.

²⁰ 1 Rev. Stat. 1852; Burns 49-3210; Baldwin 5475.

²¹ 1 Rev. Stat. 1852; Burns 56-804; Baldwin 14775.

²² Acts 1925; Burns 59-1002 to 59-1004; Baldwin 11002 to 11004.

²³ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1207; Baldwin, 1937 suppl., 14078-38.

²⁴ Acts 1929; Burns 25-219, 25-228, 25-235, 25-241, 25-242, 25-305, 25-309, 25-311; Baldwin 4919, 4928, 4935, 4941, 4942, 4963, 4967, 4969.

²⁵ 1 Rev. Stat. 1852; Burns 55-2302; Baldwin 14219. Acts 1853; Burns 55-2402, 55-3202; Baldwin 14249, 14299. Acts 1889, 1911; Burns 55-3106 to 55-3110; Baldwin 14637 to 14641. Acts 1893; Burns 55-3507, 55-3508; Baldwin 14110, 14111. Acts 1891; Burns 55-3716 to 55-3718; Baldwin 15449 to 15451. Acts 1899; Burns 55-4002; Baldwin 55470.

²⁶ 1 Rev. Stat. 1852, Acts 1925; Burns 49-3205; Baldwin 5470. 1 Rev. Stat. 1852; Burns 49-3211; Baldwin 14665.

²⁷ Acts 1895; Burns 49-1401; Baldwin 7576.

²⁸ 1 Rev. Stat. 1852; Burns 49-3209, 49-3217, 49-3218; Baldwin 5471, 5481, 5482. 1 Rev. Stat. 1852, Acts 1855; Burns 49-3216; Baldwin 5480.

LAND TRANSFERS

DEEDS AND TITLES

86. DEED RECORD, 1818-. 214 vols. (A-Z, 1-188).

Transcripts of deeds of conveyance of titles to real property, showing names of grantor and grantee, description and location of property, amount of consideration, and date of recording. Also contains: County Cemetery Deed Record, 1818-1910, entry 89; Quieting Title Record, 1818-1904, entry 90; Tax Title Deed Record, 1818-1925, entry 92; Mortgage Record, 1818-50, entry 97; Chattle Mortgage Record, 1818-50, entry 104. Indexed alph. by names of grantors and grantees; for separate index, see entry 87. 1818-Nov. 14, 1903, hdw.; Nov. 16, 1903-31, typed; 1932-, photostat. 600 pp. 18 x 12 x 3. Recr. off.

87. DEED INDEX, 1818-. 50 vols. (1-25, 1-25).

Double index to Deed Record, entry 86, one set by grantor, one set by grantee, showing date of recording, names of grantor and grantee, location and description of property, and volume and page reference to recording. Arr. alph. by names of grantors and grantees. Hdw. 600 pp. 18 x 12 x 3. Recr. off.

88. DEEDS, 1818-. 52 file boxes (A-Z, A-Z).

Original deeds left for recording and uncalled for, showing dates of deed and recording, names of grantor and grantee, location and description of property, and amount of consideration. Arr. by dates of recording. 1818-1901, hdw.; 1902-, typed. 10 x 5 x 14. Recr. off.

89. COUNTY CEMETERY DEED RECORD, 1911-. 5 vols. (1-5).

1818-1910 in Deed Record, entry 86.

Transcripts of deeds of conveyance of title to cemetery lots, showing date and number of deed, names of grantor and grantee, location and description of lot, amount of consideration, and date of recording. Indexed alph. by names of grantors and grantees. Typed. 520 pp. 18 x 12 x 3. Recr. off.

90. QUIETING TITLE RECORD, 1905-. 1 vol. 1818-1904 in Deed Record, entry 86.

Transcripts of court action in suits involving titles to real estate, showing date of hearing, names of petitioners, description and location of property, and decision of court. Indexed alph. by names of petitioners; for separate index, see entry 91. Typed. 600 pp. 20 x 12 x 3. Recr. off.

91. QUIETING TITLE RECORD, INDEX, 1905-. 1 vol.

Index to Quieting Title Record, entry 90, showing name of

petitioner, description and location of property, and volume and page reference to recording. Arr. alph. by names of petitioners. Typed. 600 pp. 20 x 12 x 3. Recr. off.

92. TAX TITLE DEED RECORD, 1926-. 1 vol. 1818-1925 in Deed Record, entry 86.

Transcripts of deeds of conveyance of property sold for delinquent taxes, showing date of deed, amount of consideration, location and description of property, and name of purchaser. Indexed alph. by names of purchasers. Typed. 520 pp. 20 x 12 x 3. Recr. off.

93. BONDS FOR A DEED RECORD, 1913-. 2 vols. (1, 2).

Record of bonds for deeds on property contracted for sale on payment plan, showing date and terms of sale, names of grantor, grantee and sureties, location and description of property, and date and amount of bond. Indexed alph. by names of grantors and grantees. Typed. 640 pp. 20 x 12 x 3. Recr. off.

94. PARTITION RECORD OF ESTATES, 1912-. 1 vol.

Record of partitions of estates as ordered by court, showing dates of petition, hearing and court order, nature and number of cause, names of estate and heirs, and value and apportionment of estate. Indexed alph. by names of estates. Typed. 640 pp. 20 x 12 x 3. Recr. off.

PLATS

(See also entries 371-372)

95. PLAT BOOK, 1851-. 8 vol. (A-H).

Sectional plats of land in Vanderburgh County, including cemeteries, towns, and additions, showing date, name and number of plat, location and description of land, names of owners and surveyor, and date of recording. Arr. by dates of recording; for index, see entry 96. Hdw. 200 pp. 18 x 12 x 1½. Recr. off.

96. INDEX TO PLAT BOOK, 1851-. 1 vol.

Index to Plat Book, entry 95, showing date, number and name of plat, name of owner, and volume and page reference to recording. Arr. alph. by names of plats. Hdw. 200 pp. 12 x 10 x 1½. Recr. off.

MORTGAGE TRANSACTIONS

REAL ESTATE

97. MORTGAGE RECORD, 1851-. 211 vols. (A-Z, 1-185). 1818-50 in Deed Record, entry 86.

Transcripts of mortgages executed to secure real estate loans,

showing dates of mortgage and recording, names of mortgagor and mortgagee, location and description of property, and term, conditions and amount of mortgage. Also contains: Chattel Mortgage Record, 1851-1907, entry 104. Indexed alph. by names of mortgagors and mortgagees; for separate index, see entry 98. 1851-July 3, 1901, hdw.; July 7, 1901-Nov. 7, 1931, typed; Nov. 8, 1931-, photostat. 600 pp. 20 x 12 x 3. 63 vols. 1851-92, aud. stor. rm., bsmt.; 148 vols., 1893-, recr. off.

98. INDEX TO MORTGAGES, 1820-. 40 vols. (1-20, 1-20). Double index to Mortgage Record, entry 97, one set by mortgagor, one set by mortgagee, showing names of mortgagor and mortgagee, amount of mortgage, location and description of property, date of recording, and volume and page reference to recording. Arr. alph. by names of mortgagors and mortgagees. Hdw. 500 pp. 20 x 12 x 3. Recr. off.

99. SCHOOL FUND MORTGAGE RECORD, 1854-. 14 vols. (1-14). Record of mortgages securing school fund loans, showing date, term and amount of mortgage, names of mortgagor and mortgagee, location and description of property, and date of recording. Indexed alph. by names of mortgagors and mortgagees. 1854-May 1902, hdw.; June, 1902-, typed. 600 pp. 18 x 12 x 3. Recr. off.

For other school fund records, see entries 298-302, 373-75.

100. REAL ESTATE MORTGAGE, 1820-. 48 file boxes. Original real estate mortgages left for recording, showing dates of mortgage and recording, names of mortgagor and mortgagee, location and description of property, and term, conditions and amount of mortgage. Arr. by dates of recording. Hdw. and typed. 10 x 5 x 14. Recr. off.

CHATTEL

101. CHATTEL MORTGAGE MINUTE BOOK, 1936-. 8 vols. (1-8). Record of recording of chattel mortgages, showing date, number and amount of mortgage, names of mortgagor and mortgagee, description of property, and date and time of recording. Indexed alph. by names of mortgagors and mortgagees; for separate index, see entry 102. Hdw. 500 pp. 18 x 12 x 3. Recr. off.

For prior records, see entry 104.

102. GENERAL INDEX TO CHATTEL MORTGAGES, 1908-. 8 vols. (1-4, 1-4).

Double index to Chattel Mortgage Minute Book, entry 101, and Chattel Mortgage Record, entry 104, one set by mortgagors, one set by mortgagees, showing number of instrument, date of

recording, names of mortgagor and mortgagee, description of property, and volume and page reference to recording. Arr. alph. by names of mortgagors and mortgagees. Hdw. 600 pp. 20 x 12 x 3. Recr. off.

For prior records, see entry 98.

103. CHATTEL MORTGAGES, 1936-. 2 file drawers. Original chattel mortgages left for recording until satisfied, showing number of mortgage, dates of mortgage and recording, names of mortgagor and mortgagee, description of property, and amount and term of mortgage. Arr. by mortgage nos. Typed. 13 x 24 x 30. Recr. off.

104. CHATTEL MORTGAGE RECORD, 1908-35. 61 vols. (15-75). 1818-50 in Deed Record, entry 86; 1851-1907 in Mortgage Record, entry 97.

Transcripts of chattel mortgages, showing dates of mortgage and recording, names of mortgagor and mortgagee, description of property, and amount and conditions of mortgage. Indexed alph. by names of mortgagors and mortgagees; for separate index, see entry 102. 1908-31, typed; 1932-35, photostat. 520 pp. 18 x 12 x 3. 36 vols., 1908-June 6, 1925, aud. stor. rm., bsmt.; 25 vols., June 10, 1925-35, recr. off.

For subsequent records, see entry 101.

105. CHATTEL MORTGAGES, 1851-1935. 4 file drawers. Original chattel mortgages left for recording and uncalled for, showing dates of mortgage and recording, names of mortgagor and mortgagee, description of property, and amount and term of mortgage. Arr. by dates of recording. Hdw. and typed. 12 x 14 x 24. Recr. off.

RELEASES

106. SATISFACTIONS, CANCELLATIONS, AND ASSIGNMENTS, 1901-. 8 vols. (1-8).

Record of satisfactions, cancellations, and assignments of mortgages, showing number and kind of instrument, names of mortgagor and mortgagee, amounts of mortgage and fee, dates of instrument and recording, and volume and page reference to Mortgage Record, entry 97. Indexed alph. by names of mortgagors and mortgagees. Typed. 520 pp. 20 x 12 x 3. Recr. off.

LIENS

107. MECHANIC'S LIEN RECORD, 1911-. 12 vols. (5-16). 1858-1910 in Miscellaneous Record, entry 118.

Record of liens taken on property for labor and material

furnished, showing dates of lien and recording, names of lienor and lienee, description of material and labor furnished, and amount of lien. Indexed alph. by names of lienors and lienees; for separate index, see entry 108. 1911-Feb. 6, 1932, typed; Feb. 10, 1932-, photostat. 520 pp. 20 x 10 x 3. 5 vols., 1911-Oct. 1924, Sept. 25, 1925-Jan. 20, 1927, aud. stor. rm., bsmt.; 7 vols., Nov. 1924-Sept. 22, 1925, Jan. 24, 1927-, recr. off.

108. INDEX TO MECHANIC'S LIEN RECORDS, 1911-. 2 vols. (1, 2).

Index to Mechanic's Lien Record, entry 107, showing date of lien, names of lienor and lienee, and volume and page reference to recording. Arr. alph. by names of lienees. Hdw. 500 pp. 18 x 12 x 3. Recr. off.

109. PREVENTION OF LIENS, 1926-. 2 vols.

Record of agreements for contractors to assume full liability for any liens filed in connection with specified construction or repair projects, showing date and conditions of contract, description and location of project, and names of property owner and contractor. Indexed alph. by names of property owners. Typed. 520 pp. 20 x 12 x 3. Recr. off.

110. STUD LIEN RECORD, 1891-1916... 1 vol.

Record of liens against offspring of dam for services of sire, showing names and addresses of owners, names of sire and dam, dates of service and lien, and conditions of contract. Indexed alph. by names of owners. Hdw. 600 pp. 20 x 10 x 3. Recr. off.

MILITARY RECORDS

(See also entries 21, 22, 72, 362)

111. RECORD OF SOLDIERS' DISCHARGES, 1863-. 3 vols. (1-3).

Record of honorable discharges from U. S. military units, showing name, address and rank of veteran, names of regiment and commanding officer, enlistment record, date and place of discharge, and date of recording. Indexed alph. by names of veterans. 1863-1917, hdw.; 1918-, typed. 520 pp. 16 x 12 x 3. Recr. off.

BUSINESS ASSOCIATIONS

(See also entries 70, 71)

112. ARTICLES OF ASSOCIATION AND INCORPORATION, 1913-. 9 vols. (1-9). 1858-1912 in Miscellaneous Record, entry 118.

Transcripts of articles of incorporation and association,

showing dates of instrument and recording, name, address and financial condition of firm, corporation or association, names of officers, and dates of incorporation, agreement and charter. Indexed alph. by names of firms, associations or corporations. 1913-June 5, 1931, typed; June 6, 1931-, photostat. 600 pp. 20 x 10 x 3. Recr. off.

113. ARTICLES OF INCORPORATION, 1925-. 3 file boxes. Original instruments of articles of incorporation, showing names of firm and owners or officers, amount of capital stock, nature and location of business, and dates of incorporation and recording. Arr. by dates of recording. Typed. 10 x 5 x 14. Recr. off.

114. CERTIFICATE OF DISSOLUTION, 1898-. 2 file boxes. Original certificates of dissolution of partnerships and revocations of articles of incorporation, showing names of firm and partners or officers, and dates of dissolution or revocation and recording. Arr. by dates of recording. Hdw. and typed. 10 x 5 x 14. Recr. off.

WILLS

(See also entries 206-08)

115. WILL RECORD, CERTIFIED WILLS, AND JUDGMENTS FROM CIRCUIT COURT, 1886-. 1 vol.

Record of wills filed for probate and judgments of court as to distribution of property and final settlement, showing dates of filing and testator's death, cause number, names of testator, heirs, witnesses, and executor or administrator, value and description of property, court orders for distribution, and amounts and nature of costs and fees. Indexed alph. by names of testators. 1836-June 1889, hdw.; Aug. 1889-, typed. 500 pp. 20 x 12 x 3. Recr. off.

116. WILLS, 1886-. 1 file box.

Original wills and testaments left for recording and uncalled for, showing date of will, names and addresses of testators, witnesses and beneficiaries, amounts of bequests, and terms of wills. Arr. by dates of wills. Hdw. 10 x 5 x 14. Recr. off.

117. AFFIDAVITS AND WILLS, 1927-. 1 file box.

Original wills with affidavits establishing identity of certain heirs filed for recording and uncalled for, showing dates of instrument and recording, names of testator, witnesses, executor and heirs, and conditions of will, and name and address of affiant. Arr. by dates of recording. Hdw. 10 x 5 x 14. Recr. off.

MISCELLANEOUS RECORDS

118. MISCELLANEOUS RECORD, 1858-. 13 vols. (A-M).

Transcripts of miscellaneous instruments, including assignments and bills of sale of personal property, trustees' certificates, and other miscellaneous instruments, showing names of principals, date, title and conditions of instrument, and date of recording. Also contains: Mechanic's Lien Record, 1858-1910, entry 107; Articles of Association and Incorporation, 1858-1912, entry 112; Power of Attorney, 1858-94, entry 121; Bill of Sale Records, 1858-1924, entry 126. Indexed alph. by titles of instrument, thereunder alph. by names of principals. 1858-Aug. 10, 1904, hdw.; Aug. 11, 1904-, typed. 600 pp. 20 x 12 x 3. Recr. off.

119. RECORD OF LEASES, 1859-. 16 vols. (1-16). Title varies: Leases; Miscellaneous Record of Leases.

Transcripts of leases, showing names of lessor and lessee, date, term, amount and conditions of lease, description and location of property, and date of recording. Indexed alph. by names of lessors. 1859-Sept. 5, 1901, hdw.; Sept. 20, 1901-Aug. 1933, typed; Sept. 1933-, photostat. 600 pp. 20 x 10 x 3. Recr. off.

120. LEASES, 1855-. 3 file boxes.

Leases left for recording and uncalled for, showing dates of lease and recording, names of lessor and lessee, description and location of property, term of lease and amount of consideration. Arr. by dates of leases. Hdw. and typed. 10 x 4 x 14. Recr. off.

121. POWER OF ATTORNEY, 1895-. 2 vols. (1, 2). 1858-94 in Miscellaneous Record, entry 118.

Transcripts of powers of attorney granted agents, showing date of grant, names of grantor and agent, and powers granted. Indexed alph. by names of agents. 1895-Apr., 1901, hdw.; May 1901-, typed. 640 pp. 20 x 10 x 3. Recr. off.

For other power of attorney records, see entries 122, 182.

122. POWERS OF ATTORNEY, 1931-. 3 file boxes.

Powers of attorney granted agents, showing date of grant, names of grantor and agent, and powers granted. Arr. by dates of grants. Hdw. 10 x 5 x 14. Recr. off.

For other power of attorney records, see entries 121, 182.

123. RECORD OF FARM NAMES, 1913-. 1 vol.

Record of names assigned to farms, showing name, location and description of farm, and name and address of owner. Indexed alph. by names of owners and farms. Hdw. 520 pp. 20 x 14 x 3. Recr. off.

124. FARM NAMES, 1924-. 2 file boxes.

Farm name certificates left for recording and uncalled for, showing name, location and description of farm, signature of owner, notarial seal, and date of recording. Arr. by dates of recording. Hdw. 10 x 5 x 14. Recr. off.

125. INHERITANCE TAX RECORD, 1914-. 1 vol.

Record of court orders as liens on property for payment of inheritance tax, showing names of deceased, heirs and administrator, description of property, amount of tax, and date of recording. Indexed alph. by names of heirs. Typed. 340 pp. 18 x 10 x 2. Recr. off.

For other inheritance tax records, see entries 230, 306-08, 327.

126. BILL OF SALE RECORDS, 1925-. 4 vols. (A-D). 1858-1924 in Miscellaneous Record, entry 118.

Transcripts of bills of sale of personal property, showing date and amount of sale, description of property, and names of owner and purchaser. Indexed alph. by names of purchasers. Typed. 600 pp. 12 x 10 x 3. Recr. off.

127. RECORDER'S ABSTRACT OF OLD AGE CERTIFICATES FILED, 1936-. 1 vol.

Record of abstracts of old-age pension certificates establishing liens on estates of recipients to insure reimbursement to county for assistance granted, showing name of recipient, dates of application, certificate of award and recording, and application and certificate numbers. Arr. by dates of recording. Hdw. 750 pp. 18 x 12 x 4. Recr. off.

For other old-age pension records, see entries 128, 338, 420-31.

128. ABSTRACTS OF OLD AGE CERTIFICATES, 1936-. 1 file drawer.

Copies of old-age pension certificates establishing liens against estates of recipients to insure county reimbursement for assistance rendered, showing dates of certificate and recording, application code and serial numbers, amount of award, and name and address of recipient. Arr. by application nos. Typed. 8 x 12 x 30. Recr. off.

For other old-age pension records, see entries 127, 338, 420-31.

129. TRADE MARK REGISTER, 1853-84. 1 vol.

Record of marks and brands for distinguishing live stock, showing owner's name and address, description of markings, and date of registration. Indexed alph. by names of owners. Hdw. 300 pp. 20 x 12 x 2. Recr. off.

FEE AND CASH RECORDS

130. RECORDER'S FEE AND CASH BOOK, 1910-. 23 vols. (1-23).

Record of fees and cash received, showing date, number and kind of instrument, name of payer, date and amount of receipt, and amount paid to treasurer. Arr. by dates of receipts. Hdw. 250 pp. 16 x 10 x 2. Recr. off.

V. CIRCUIT COURT

The circuit court, established by the Constitution of 1816 and re-established by the Constitution of 1851, consists of one judge and has such jurisdiction as is prescribed by law. The judge is elected by the voters of the judicial circuit for a six-year term and must reside within his circuit.¹ Vanderburgh County alone constitutes the first judicial circuit.² The official name of the court is "Vanderburgh Circuit Court."³

When organized in 1818, Vanderburgh County was attached to the fourth judicial circuit, composed of the counties of Gibson, Perry, Pike, Posey, Spencer, Vanderburgh, and Warrick. The law provided for terms of court in Vanderburgh County, each lasting one week, beginning on the fourth Monday in February, May, and September.⁴ In 1821, the counties of Crawford and Dubois were added to the fourth circuit.⁵ An act of 1824 provided for terms of court of six days each, beginning on the first Monday of March and September.⁶ In 1852, the county was transferred to the third circuit, composed of the counties of Daviess, Dubois, Gibson, Knox, Martin, Perry, Pike, Posey, Spencer, Vanderburgh, and Warrick.⁷ An act of

¹ Const. 1816, art. 5, secs. 1, 3-7. Const., art. 7, secs. 1, 8, 9. Acts 1881 (Spec. Sess.); Burns 4-301; Baldwin 1395.

² Acts 1935, ch. 23, sec. 1.

³ Acts 1881 (Spec. Sess.); Burns 4-302; Baldwin 1396.

⁴ Acts 1817-18 (general), ch. 73, secs. 1, 5.

⁵ Acts 1821-22, ch. 40, sec. 4. Rev. Laws 1824, ch. 26, sec. 26, sec. 1. Acts 1829-30, ch. 28, sec. 1. Rev. Laws 1831, ch. 23, sec. 1. Acts 1838-39 (general), ch. 2, sec. 1.

⁶ Rev. Laws 1824, ch. 26, sec. 5. Acts 1829-30, ch. 28, sec. 4. Rev. Laws 1831, ch. 23, sec. 5.

⁷ Acts 1851-52 (special and local), ch. 21, sec. 3.

1852 provided for two terms of court annually, each lasting three weeks, beginning on the first Monday following the end of the term held in Posey County.⁸ In 1859, the county was transferred to the fifteenth circuit, composed of the counties of Crawford, Perry, Posey, Spencer, Vanderburgh, and Warrick. This act provided for two terms of court annually, each lasting as long as the business of the court required, beginning on the first Monday following the end of the term held in Posey County.⁹ An act of 1872 provided that the third circuit be composed of the counties of Daviess, Gibson, Knox, Martin, Posey, and Vanderburgh.¹⁰ An act of 1873 transferred the county to the first circuit composed of the counties of Posey and Vanderburgh, and provided for terms of court, each lasting seven weeks, beginning on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in December.¹¹ An act of 1895 provided that Vanderburgh County alone constitute the first circuit with terms of court, each lasting 10 weeks, commencing on the first Monday of March, June, September, and December.¹² An act of 1935 provided that the terms of court continue so long as the business of the court may require.¹³

Under the Constitution of 1816 and an act of 1816, the circuit court consisted of a president judge, elected for the circuit by joint ballot of both houses of the general assembly, and two associate judges, elected in the county by the voters thereof.¹⁴ These judges were commissioned by the governor of the state, and held office for the term of seven years.¹⁵ Recess appointments were made by the governor when the general assembly was not in session.¹⁶ The president alone, in the absence of the associate judges, or any two judges—the president and one associate judge, or two associate judges in

⁸ Acts 1851-52 (special and local), ch. 22.

⁹ Acts 1859, ch. 36, secs. 1-3.

¹⁰ Acts 1872 (Spec. Sess.), ch. 4, sec. 1.

¹¹ Acts 1873, ch. 29, secs. 1, 40, 88.

¹² Acts 1895, ch. 76, sec. 1.

¹³ Acts 1935, ch. 23, sec. 1.

¹⁴ Const. 1816, art. 5, secs. 3, 7. Acts 1816-17, ch. 2, sec. 2. See also: Acts 1817-18 (general), ch. 2, sec. 2. Rev. Laws 1824, ch. 24, sec. 2. Rev. Laws 1831, ch. 22, sec. 2. Rev. Laws 1838, ch. 23, sec. 2. Rev. Stat. 1843, ch. 38, secs. 1-4.

¹⁵ Const. 1816, art. 5, sec. 4; art. 11, sec. 9.

¹⁶ *Ibid.*, art. 4, sec. 9.

the absence of the president—were competent to hold a court; but the presence of the president was required in capital cases and causes in chancery.¹⁷ The court's first session was held on February 23, 1818, at the home of Hugh McGary.¹⁸ The court had general jurisdiction at law and equity.¹⁹ Ever since the adoption of the Constitution of 1851, the circuit court has consisted of one judge elected by the voters of the judicial circuit for a six-year term.²⁰

A probate court, consisting of one judge, was established in Vanderburgh County in 1829 under an act of that year. It had exclusive original jurisdiction over probate of wills, settlement of decedents' estates, and guardianships; and had original jurisdiction, concurrent with the circuit court, over dower proceedings, partition proceedings, and actions concerning heirs, devisees, executors, administrators, and guardians. The judge was elected for a seven-year term by the voters of the county.²¹ This court was abolished in 1853 and its jurisdiction was transferred to the court of common pleas.²²

A court of common pleas, consisting of one judge, was established in Vanderburgh County in 1853. The judge was elected for a four-year term by the voters of the common pleas district, composed of the counties of Vanderburgh and Warrick.²³ This court had exclusive original jurisdiction over probate of wills, settlement of decedents' estates, and guardianships; and had original jurisdiction at law and in equity, concurrent with the circuit court, over other matters (except felonies punishable by death, slander, libel, breach of marriage contract, and actions to recover \$1,000 or more, of which the circuit court had exclusive original jurisdiction).²⁴ This court was abolished in 1873, and its jurisdiction was transferred to the circuit court.²⁵

¹⁷ *Ibid.*, art. 5, sec. 3.

¹⁸ Leander J. Monks, *Courts and Lawyers of Indiana*, 3:1051.

¹⁹ Const. 1816, art. 5, sec. 3. Acts 1816-17, ch. 2, secs. 5-7; ch. 3, secs. 2, 3. See also: Acts 1817-18 (general), ch. 2, secs. 5-7; ch. 3, 13. Rev. Laws 1824, ch. 24, secs. 4-6. Rev. Laws 1831, ch. 22, sec. 3. Rev. Laws 1838, ch. 23, secs. 3-7, 12. Rev. Stat. 1843, ch. 38, secs. 6-32.

²⁰ Const., art. 7, sec. 8. Acts 1881 (Spec. Sess.); Burns 4-301; Baldwin 1395.

²¹ Const. 1816, art. 5, sec. 4. Acts 1828-29, ch. 26, secs. 1, 2. Rev. Laws 1831, ch. 25, secs. 1, 4. Acts 1832-33, ch. 21, sec. 1. Rev. Laws 1843, ch. 4, secs. 2, 9; ch. 39, sec. 1-13.

²² 1 Rev. Stat. 1852, ch. 92, sec. 1. 2 Rev. Stat. 1852, pt. 1, ch. 8, sec. 43.

²³ 2 Rev. Stat. 1852, pt. 1, ch. 8, secs. 1, 3.

²⁴ 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5; ch. 8, secs. 4, 11, 12, 14, 17, 21, 23.

²⁵ Acts 1873; Burns 4-328; Baldwin 1417.

The constitution provides for tribunals of conciliation with such powers and duties as may be prescribed by law, but without power to render an enforceable judgment in the absence of agreement of the parties to abide the judgment of such tribunal.²⁶ Accordingly, in 1852, the general assembly established in the county a court of conciliation, to be held by the judge of the court of common pleas. It had jurisdiction of claims and controversies submitted to it for the purpose of effecting a compromise or for determination. In cases of libel, slander, assault and battery, false imprisonment, and malicious prosecution, the complaining party could have the opposite party served with a notice requiring him to appear before the court. Hearings were private and informal. Controversies submitted by both parties to the court for determination were determined according to right and conscience without regard to technical rules. The judge was required to keep a book containing a memorandum of proceedings and the judgment.²⁷ This court was abolished in 1885.²⁸

A criminal court, consisting of one judge, was established in the county in 1868. It had exclusive original jurisdiction over criminal cases. The judge was elected by the voters of the county for a four-year term.²⁹ This court was abolished in 1877, and its jurisdiction was transferred to the circuit court.³⁰

The Superior Court of Vanderburgh County and the Vanderburgh Probate Court were established in the county in 1877 and 1919, respectively. Both courts are still in existence, and are discussed in separate essays in this book.³¹

The circuit court has original jurisdiction in all criminal cases under the state laws. The circuit court, superior court, and probate court have concurrent original jurisdiction in all civil cases at law and in equity, except the matters mentioned in the following paragraph.³²

²⁶ Const., art. 7, sec. 19.

²⁷ 2 Rev. Stat. 1852, pt. 2, ch. 2, secs. 1-3, 5-8, 12, 13, 18, 20.

²⁸ Acts 1865 (Spec. Sess.), ch. 57. Acts 1895, ch. 104. Acts 1897, ch. 156. Acts 1899, ch. 253.

²⁹ Acts 1869 (Spec. Sess.), ch. 23, secs. 1, 3, 5; ch. 25, secs. 1, 2.

³⁰ Acts 1877, ch. 34, secs. 25, 26.

³¹ Acts 1877; Burns 4-2001 to 4-2024; Baldwin 1688-24 to 1688-46. Acts 1919; Burns 4-3001 to 4-3026; Baldwin 1802 to 1827.

³² Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1877; Burns 4-2010; Baldwin 1688-33. Acts 1919; Burns 4-3010; Baldwin 1811.

The probate court has exclusive original jurisdiction of juvenile matters, trusts, adoptions, guardianships, surviving partnerships, probate of wills, administration of estates of decedents and insolvents, and all other probate matters.³³ The juvenile referee, appointed by the probate court, hears and determines juvenile matters under the supervision of the probate court.³⁴

The circuit court, superior court, and probate court have concurrent appellate jurisdiction³⁵ to review decisions of justices of the peace,³⁶ city courts,³⁷ board of commissioners,³⁸ board of review fixing value of property for taxation,³⁹ taxing authorities determining what property is taxable,⁴⁰ board of public works or board of park commissioners of any city in the county (or city council performing such functions),⁴¹ miners' examination board,⁴² and other inferior tribunals when no express direction is given as to the court to which the appeal lies.⁴³

From the time of the creation of the superior court in 1877 until the creation of the probate court in 1919, the circuit court had exclusive original jurisdiction in all matters of which the probate court now has exclusive original jurisdiction.⁴⁴

The circuit court, superior court, and probate court have concurrent original jurisdiction of naturalization proceedings

³³ Acts 1919; Burns 4-3010, 4-3011; Baldwin 1811, 1812.

³⁴ Acts 1923; Burns 9-2825, 9-2826; Baldwin 1773, 1774.

³⁵ Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1877; Burns 4-2010; Baldwin 1688-33. Acts 1919; Burns 4-3010; Baldwin 1811.

³⁶ *Ibid.* 2 Rev. Stat. 1852; Burns 5-1001; Baldwin 1931.

³⁷ Acts 1905; Burns 4-2415; Baldwin 2390. Acts 1917; Burns 4-2603; Baldwin 11608. Acts 1921; Burns 4-2702; Baldwin 12172. Acts 1923; Burns 4-2802; Baldwin 12336.

³⁸ Acts 1879 (Spec. Sess.), 1885; Burns 26-820; Baldwin 5275. 1 Rev. Stat. 1852; Burns 26-901; Baldwin 5277. Acts 1905; Burns 36-1501; Baldwin 8858. Acts 1933; Burns 27-117; Baldwin 5753. State ex rel. Sink v. Circuit Court, ---Ind.---, 15 N. E. (2d) 624.

³⁹ Acts 1927; Burns 64-1020; Baldwin 15686.

⁴⁰ Acts 1919, 1927; Burns 64-2103; Baldwin 15804.

⁴¹ Acts 1933; Burns 48-4501; Baldwin 11576.

⁴² Acts 1923; Burns 46-1008; Baldwin 11073.

⁴³ Hamilton v. Fort Wayne, 73 Ind. 1.

⁴⁴ Acts 1903, ch. 237, sec. 1. Acts 1913, ch. 325, sec. 1. 2 Rev. Stat. 1852, pt. 1, ch. 8, sec. 4. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1873; Burns 4-328; Baldwin 1417. Acts 1877; Burns 4-2010; Baldwin 1688-33. Acts 1919; Burns 4-3010 to 4-3012; Baldwin 1811 to 1813.

under the federal laws,⁴⁵ but are prevented from exercising such jurisdiction by the failure of the United States Department of Labor to furnish the necessary printed forms.

The circuit court has power to issue all proper judgments, sentences, decrees, orders, and injunctions; to issue all process;⁴⁶ and to adopt rules for conducting its business.⁴⁷ Since 1905, the circuit court has had broad powers to transfer causes to the superior court.⁴⁸

The chief officers of the circuit court are the sheriff, the prosecuting attorney, and the clerk of the circuit court. The sheriff, in person or by deputy, attends the circuit court, preserves order therein, and serves all processes directed to him therefrom.⁴⁹ The prosecuting attorney prosecutes the pleas of the state in the circuit court.⁵⁰ The clerk of the circuit court, in person or by deputy, attends the circuit court, performs the customary duties of clerk during trials, draws up each day's proceedings at full length in the proper order book which is signed by the circuit judge, and enters a complete record of causes after completion thereof.⁵¹ All causes are filed in the office of the clerk of the circuit court, and numbered in consecutive order as filed.⁵² The clerk is also charged by statute with the duty of keeping and preserving the official records of the court.⁵³

CIVIL CAUSES

ENTRY OF CAUSES

131. ENTRY DOCKET, ISSUE DOCKET, AND FEE BOOK, 1912-42 vols. (19-60).

Record of filing of actions, issuance of processes, and costs in civil causes, showing date of filing, number and nature of cause, names of plaintiff, defendant and attorneys, and volume

⁴⁵ Acts of Congress 1906, 1911, 1913; U. S. C., title 8, sec. 357.

⁴⁶ 2 Rev. Stat. 1852; Burns 4-307; Baldwin 1400.

⁴⁷ 2 Rev. Stat. 1852; Burns 4-313; Baldwin 1406.

⁴⁸ Acts 1905; Burns 4-304; Baldwin 1419 note.

⁴⁹ 2 Rev. Stat. 1852; Burns 49-2802; Baldwin 5494.

⁵⁰ 2 Rev. Stat. 1852; Burns 49-2501; Baldwin 5456.

⁵¹ 2 Rev. Stat. 1852, Acts 1885 (Spec. Sess.), 1933; Burns 4-324; Baldwin 1413. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

⁵² 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433. Acts 1881 (Spec. Sess.); Burns 2-1053; Baldwin 158.

⁵³ 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

and page reference to Order Book, Civil, entry 143. Arr. by dates of filing. Hdw. 356 pp. 18 x 12 x 3. Clk. off.

132. ENTRY DOCKET, 1869-83. 6 vols. (11, 12, and 4 vols. not numbered).

Record of civil causes filed, showing date of filing, number and nature of cause, names of plaintiff, defendant and attorneys, and sheriff's return on writs issued. Hdw. 374 pp. 18 x 12 x 3. Clk. stor. rm., bsmt.

133. ENTRY DOCKET COURT OF COMMON PLEAS, 1870-73. 2 vols. 18 x 12 x 3. Clk. stor. rm., bsmt.

Record of civil causes filed for action in common pleas court, showing dates of filing, issuance of process and judgment, cause number, nature of action, and names of plaintiff, defendant and attorneys. Arr. by cause nos. Hdw. Condition fair. 500 pp. 18 x 12 x 3. Clk. stor. rm., bsmt.

134. BAR DOCKET, 1877-91, 1925-. 13 vols.

Calendar of civil causes entered for trial in circuit court, showing date of filing, number and nature of cause, and names of plaintiff, defendant and attorneys. Arr. by dates of filing. Hdw. 250 pp. 16 x 12 x 2. 9 vols., 1877-91, clk. stor. rm., bsmt.; 4 vols., 1925-, clk. off.

ORIGINAL DOCUMENTS

135. CIVIL CASES DISPOSED, 1818-. 600 file boxes (1-600). Original documents in disposed of civil causes, including complaints, reports, appointments, bonds, denials, demurrers, summonses, writs, revocations, motions, petitions and executions, showing date of instrument, kind of action, cause number, names of plaintiff, defendant, attorneys, witnesses and judge, proceedings of court, and disposition. Also contains: Criminal Cases Disposed, 1818-64, entry 157. Arr. by cause nos. For index, 1818-83, see entry 136. Hdw. and typed. 10 x 5 x 14. 288 file boxes, 1818-1903, clk. stor. rm., bsmt.; 274 file boxes, 1904-30, clk. rec. rm.; 38 file boxes, 1931-, clk. off.

136. INDEX CIRCUIT COURT CASES DISPOSED OF, 1818-83. 1 vol.

Partial index to Civil Cases Disposed, entry 135, and Criminal Cases Disposed of, entry 157, showing date of filing, number and nature of cause, names of plaintiff and defendant, and file box reference to documents. Arr. alph. by names of plaintiffs and defendants. Hdw. 350 pp. 16 x 10 x 3. Clk. stor. rm., bsmt.

137. DISPOSED OF COMMON PLEAS CAUSES, 1853-73. 79 file boxes.

Original documents of causes disposed of in common pleas court, including complaints, affidavits, denials, demurrers, bonds, summons, writs, petitions and executions, showing dates of filing and trial, cause number, nature of action, names of plaintiff, defendant, attorneys, witnesses and judge, proceedings of court, and disposition. Arr. by cause nos. Hdw. 5 x 4 x 10. Clk. rec. rm.

138. A RECORD OF DRAINING PETITION, 1907. 1 vol.

Report of drainage commissioners to circuit court on petitions for drainage ditches, showing dates of petition and report, names of petitioner, name, description, location, purpose and specifications of ditch, and court decision. Hdw. 100 pp. 14 x 8 x 1. Surv. off.

For other drainage records, see entries 449-51.

MINUTES

139. CLERK'S MINUTE BOOK, 1832-. 18 vols.

Minutes of proceedings in civil causes, showing number and nature of cause, date of filing, names of plaintiff, defendant, attorneys and witnesses, amount of costs, name of payer, and disposition. Arr. by cause nos. Hdw. 500 pp. 14 x 9 x 1½. 13 vols., 1832-June 15, 1930, clk. stor. rm., bsmt.; 5 vols., June 30, 1930-, clk. off.

140. CLERK'S DOCKET, CIVIL, 1828-. 26 vols. (1-14, and 12 vols. not numbered).

Clerk's record of actions and minutes of court in civil causes, showing date of filing, number and nature of cause, names of plaintiff, defendant, attorneys and witnesses, amount of costs, name of payer, and disposition. Also contains: Clerk's Docket, Criminal, 1828-73, entry 162. Arr. by dates of filing. Hdw. 300 pp. 14 x 10 x 2. 12 vols., 1828-1911, clk. stor. rm., bsmt.; 14 vols., 1912-, clk. off.

141. JUDGE'S DOCKET, CIVIL, 1828-. 26 vols. (1-14, and 12 vols. not numbered).

Judge's record of actions and minutes of court in civil causes, showing cause number, dates of filing and trial, names of plaintiff, defendant and attorneys, nature of charge, and court proceedings. Also contains: Judge's Docket, Criminal, 1828-97, entry 163. Arr. by dates of filing. Hdw. 350 pp. 18 x 10 x 6. 12 vols., 1828-Mar. 1911, clk. stor. rm., bsmt.; 14 vols., April 1911-, clk. off.

142. ISSUE DOCKET, 1876-81. 2 vols. (10, 12).

Record of processes issued in civil actions, showing cause number, date of filing, nature of action, names of plaintiff, defendant and attorneys, and sheriff's return. Indexed alph. by names of plaintiffs and defendants. Hdw. 300 pp. 18 x 12 x 3. Clk. stor. rm., bsmt.

ORDERS

143. ORDER BOOK, CIVIL, 1820-. 84 vols. (A-Z, A1-Z1, A2-Z2, A3-F3).

Record of orders and proceedings of court in civil causes, showing number and nature of cause, term of court, names of plaintiff, defendant and attorneys, court proceedings, and disposition. Indexed alph. by names of plaintiffs. 1820-Sept. 8, 1909, hdw.; Sept. 9, 1909-, typed. 600 pp. 18 x 11 x 3. Clk. off.

144. ORDER BOOK, 1856-70. 7 vols. (2-8).

Record of orders and proceedings of court in civil causes of common pleas court, showing date, number and nature of cause, date and term of court, names of plaintiff, defendant and attorneys, court proceedings and disposition. Arr. by cause nos. Hdw. 640 pp. 20 x 12 x 3. Recr. off.

JUDGMENTS

145. RECORD OF RECEIVERSHIP, 1913-20. 1 vol.

Record of actions in receivership causes, showing cause number, date of filing, names of attorneys, firm and receiver, and kind and amounts of assets and liabilities. Indexed alph. by names of firms. Typed. 540 pp. 18 x 12 x 3. Clk. rec. rm.

For subsequent records, see entry 143.

146. JUDGMENT DOCKET, 1848-. 6 vols. (4-9).

Record of judgments rendered in civil causes, showing nature and number of cause, date of judgment, names of plaintiff, defendant and attorneys, and amounts of judgment, fees and costs. Indexed alph. by names of plaintiffs. Hdw. 600 pp. 18 x 12 x 3. Clk. rec. rm.

EXECUTIONS

(See also entries 266-69)

147. JUDGMENT DOCKET, 1853-69. 3 vols.

Record of judgments rendered in common pleas causes, showing nature and number of cause, names of plaintiff and defendant, amount of judgment, and date of satisfaction. Indexed alph. by names of plaintiffs. Hdw. 400 pp. 18 x 12 x 2½. Clk. stor. rm., bsmt.

148. EXECUTION DOCKET, 1837-. 10 vols. (1-4, 7-9, 9, 10, and 1 vol. not numbered).

Record of writs of execution in circuit court actions, showing date and kind of writ, number and nature of cause, names of judgment debtor and creditor, amounts of judgment, interest and costs, and sheriff's return. Indexed alph. by names of judgment debtors. 385 pp. 18 x 12 x 3. 9 vols., 1837-Jan. 4, 1903, clk. rec. rm.; 1 vol., Jan. 5, 1903-, clk. off.

149. CIRCUIT COURT EXECUTIONS, 1820-. 46 file boxes.
Title varies: Executions.

Writs of executions on court orders of circuit court, showing date of issue, kind of writ, names of plaintiff, defendant and judgment debtor, amounts of judgment and costs, and sheriff's return. Arr. by cause nos. Hdw. and typed. 10 x 5 x 14. 40 file boxes, 1820-Jan. 8, 1905, clk. stor. rm., bsmt.; 6 file boxes, Jan. 15, 1905-, clk. off.

150. EXECUTION DOCKET, 1860-71. 3 vols. (2-4).

Record of executions of judgments rendered by common pleas court, showing date of issue, cause number, kind of writ, names of plaintiff, defendant and judgment debtor, amounts of judgment and costs, and officer's return. Indexed alph. by names of plaintiffs. Hdw. 450 pp. 18 x 12 x 2. Clk. stor. rm., bsmt.

151. TRANSCRIPTS, 1837-99, 1912-. 33 file boxes.

Transcripts of judgments rendered in lower courts and transferred to circuit court for execution, showing date of transfer, names of plaintiff, defendant and judgment debtor, nature and number of cause, and amount of judgment. Arr. by cause nos. Hdw. and typed. 16 file boxes, 5 x 12 x 20, 19 file boxes, 5 x 5 x 18. 14 file boxes, 1837-99, clk. stor. rm., bsmt.; 19 file boxes, 1912-, clk. off.

COMPLETE TRANSCRIPTS

152. COMPLETE RECORD, 1819-84. 17 vols. (labeling varies).

Complete transcripts of actions and proceedings in causes involving real estate, showing date of filing, nature of action, cause number, names of plaintiff, defendant, attorneys and jurors, and disposition of cause. Arr. by dates of filing. Hdw. 376 pp. 18 x 12 x 2½. Clk. stor. rm., bsmt.

FEE AND CASH RECORDS

153. FEE BOOK, 1853-Dec. 2, 1912. 18 vols. (1-18).

Record of fees for costs in civil causes of circuit court,

showing date of trial, names of plaintiff and defendant, nature and number of cause, and kind and amount of fees. Indexed alph. by names of defendants. Hdw. 356 pp. 18 x 12 x 3. 10 vols., 1853-May 1882, clk. stor. rm., bsmt.; 3 vols., Apr. 1882-Oct. 6, 1899, clk. off.; 5 vols., Oct. 9, 1899-1912, clk. rec. rm.

For subsequent records, see entry 131.

154. FEE BOOK, 1853-73. 6 vols.

Record of fees in causes disposed of in common pleas court, showing date of trial, cause number, names of plaintiff, defendant and payee, kind and amount of fee, and receipt for payment. Indexed alph. by names of plaintiffs. Hdw. 600 pp. 18 x 12 x 3. Clk. stor. rm., bsmt.

CRIMINAL CAUSES

ENTRY OF CAUSES

155. BAR DOCKET, 1886-. 14 vols.

Calendar of criminal causes entered for trial in circuit court, showing number and nature of cause, date of filing, and names of plaintiff, defendant and attorney. Arr. by dates of filing. Hdw. 100 pp. 13 x 8 x 1/2. 11 vols., 1886-1923, clk. stor. rm., bsmt.; 3 vols., 1924-, clk. off.

156. ENTRY DOCKET, 1876-81. 2 vols.

Record of criminal causes filed for action in circuit court, showing date of filing, cause number, nature of action, and names of plaintiff, defendant and attorneys. Indexed alph. by names of defendants. Hdw. 300 pp. 18 x 12 x 3. Clk. stor. rm., bsmt.

ORIGINAL DOCUMENTS

157. CRIMINAL CASES DISPOSED OF, 1865-. 97 file boxes. 1818-64 in Civil Cases Disposed, entry 135.

Original documents in disposed of criminal causes, including writs, affidavits, indictments, pleas, denials, motions, bonds and commitments, showing date, number and nature of cause, names of defendant, attorneys, witnesses and judge, proceedings of court, and disposition. Arr. by cause nos. For index, 1818-83, see entry 136. Hdw. and typed. 10 x 5 x 14. 64 file boxes, 1865-July 1918, clk. stor. rm., bsmt.; 17 file boxes, Sept. 1918-27, clk. rec. rm.; 16 file boxes, 1928-, clk. off.

CRIMINAL AFFIDAVITS AND INDICTMENTS

158. HABEAS CORPUS, 1834-80. 2 file boxes, (1, 2).

Orders to produce defendants before court, showing dates of writ and hearing, time for appearance, and names of defendant, judge and court. Arr. alph. by names of defendants. Hdw. Condition fair. 10 x 5 x 14. Clk. stor. rm., bsmt.

For subsequent records, see entry 157.

159. AFFIDAVIT RECORD, 1922-. 5 vols. (1-5).

Record of affidavits charging criminal offenses, showing dates of affidavit, filing and offense, names of prosecuting attorney, affiant, defendant and witnesses, and nature and detailed particulars of crime. Indexed alph. by names of affiants. Typed. 600 pp. 18 x 12 x 3. Clk. off.

160. INDICTMENT RECORD, 1888-. 10 vols. (4-13).

Record of true bills returned by grand jury, showing date of indictment, names of jurors and defendant, and nature of charge. Indexed alph. by names of defendants. 1888-Oct. 29, 1908, hdw., Oct. 30, 1908, typed. 678 pp. 18 x 12 x 2½. 5 vols., 1888-97, clk. stor. rm., bsmt.; 5 vols., 1898-, clk. off.

BONDS

161. RECORD OF CRIMINAL BONDS, 1927-. 3 vols. (1-3).

Record of bonds posted to assure appearance of defendants in court to answer criminal charges, showing cause number, dates of bond and filing, names of defendant and sureties, and amount and conditions of bond. Indexed alph. by names of defendants. Typed. 600 pp. 18 x 12 x 3. Clk. off.

MINUTES

162. CLERK'S DOCKET, CRIMINAL, 1874-. 14 vols. (1-8, and 6 vols. not numbered). 1828-73 in Clerk's Docket, Civil, entry 140.

Clerk's record of actions and minutes of court in criminal causes, showing date, number and nature of cause, names of defendant, attorneys and witnesses, court proceedings, and volume and page reference to Order Book, Criminal, entry 164. Arr. by cause nos. Hdw. 100 pp. 14 x 8 x 1. 6 vols., 1874-Aug. 1914, clk. stor. rm., bsmt.; 8 vols., Sept. 1914-, clk. off.

163. JUDGE'S DOCKET, CRIMINAL, 1898-1914, 1927-. 13 vols., (1-8, and 5 vols. not numbered). 1828-97 in Judge's Docket, Civil, entry 141.

Judge's record of actions and minutes of court in criminal causes, showing date of filing, number and nature of cause,

names of defendant, attorneys and witnesses, and court proceedings. Arr. by cause nos. Hdw. 350 pp. 12 x 8 x 3. 5 vols., 1898-1914, clk. stor. rm., bsmt.; 8 vols., 1927-, clk. off.

ORDERS

164. ORDER BOOK, CRIMINAL, 1818-. 40 vols. (1 vol. not numbered, 1-39).

Record of orders and proceedings in criminal causes, showing cause number, dates of filing and trial, names of defendant and attorneys, nature of offense, proceedings of court, and disposition. Indexed alph. by names of defendants. 1818-Sept. 1924, hdw., Oct. 1924-, typed. 600 pp. 18 x 12 x 3 1/2. 19 vols., 1818-Mar. 1905, clk. stor. rm., bsmt.; 5 vols., June 1905-08, clk. rec. rm.; 16 vols., 1909-, clk. off.

FEE AND CASH RECORDS

165. FEE BOOK CRIMINAL, 1869-July 24, 1901, Mar. 2, 1905-. 11 vols. (1-4, 6-12).

Record of fees, fines and costs in criminal causes, showing date of trial, nature of charge, name of defendant, amount of fine, term of sentence, and kind and amount of fee. Indexed alph. by names of defendants. Hdw. 500 pp. 18 x 12 x 3. 4 vols., 1869-1901, clk. stor. rm., bsmt.; 7 vols., 1905-, clk. off.

RECORDS COMMON TO ALL COURTS

JURIES

166. JURY RECORD, 1914-. 1 vol.

Record of persons serving on jury in circuit court actions, showing dates empaneled and discharged, cause number, names of plaintiff, defendant and jurors, verdict of jury, length of service, mileage, and number of meals. Indexed alph. by names of defendants. Hdw. 520 pp. 16 x 10 x 2 1/2. Cir. ct. rm.

167. TIME BOOK, 1930-. 1 vol.

Record of time served and expense incurred by jurors, showing date of service, number of days served, names of jurors, mileage, and amount of cost. Arr. by dates of service. Hdw. 250 pp. 10 x 16 x 1 1/2. Cir. ct. rm.

168. VENIRE, 1930-. 3 file boxes.

Lists of freeholders called for possible jury service, showing date of venire and names of freeholders. Arr. by dates of venires. 10 x 5 x 14. Clk. off.

CHANGE OF VENUE

(See also entry 343)

169. COSTS IN CHANGE OF VENUE, 1914-. 2 vols.

Stubs of certificates issued to auditor for costs of causes venued from other counties, showing date and amount of certificate, number and nature of cause, names of plaintiff, defendant and attorneys, and volume and page reference to Order Book, Civil, entry 143; Order Book, Criminal, entry 164. Arr. by dates of certificates. Hdw. 100 pp. 15 x 5 x 1. Clk. off.

EXECUTIONS

(See also entries 266-69)

170. PRAECIPE EXECUTIONS, 1923-. 3 vols. (1-3).

Record of orders issued by attorney or plaintiff to clerk to issue to sheriff writs of execution of court decrees, or to prepare transcripts of change of venue or appeal to proper court, showing cause number, date or order, nature of writ, and names of plaintiff, defendant, witnesses and judges. Arr. by dates of orders. Hdw. 350 pp. 14 x 10 x 2. Clk. off.

171. LIS PENDENS RECORD, COMPLAINTS, 1878-. 1 vol.

Record of complaints against owners of property which may be subject to judgment execution, showing date of filing, cause number, nature of action, names of plaintiff and defendant, and location and description of property. Arr. by dates of filing. 1878-Aug. 1924, hdw.; Sept. 1924-, typed. 550 pp. 18 x 12 x 3. Clk. off.

172. LIS PENDENS, SHERIFF'S NOTICE, 1878-. 2 vols.

Record of notices issued by clerk to sheriff to levy on property to satisfy judgments, showing date of notice, number and nature of cause, names of plaintiff and defendant, amount of judgment, location and description of property, and date of satisfaction. Indexed alph. by names of defendants. Hdw. 350 pp. 18 x 12 x 2½. 1 vol., 1877-1926, clk. rec. rm.; 1 vol., 1927-, clk. off.

173. LIS PENDENS RECORD, CERTIFICATE OF PURCHASE, 1881-. 4 vols. (1-4).

Record of certificates of sales issued to purchasers of property sold to satisfy judgments, showing dates of judgment, order, sale, certificate, and payment, names of plaintiff, defendant and purchaser, location and description of property, and amount of consideration. Also contains: Statement and Affidavit for Redemptions, 1903-, entry 174. Indexed alph. by names of plaintiffs. Hdw. 658 pp. 18 x 12 x 3. 1 vol., 1881-Feb. 1, 1898, clk. rec. rm.; 3 vols., Feb. 2, 1898-, clk. off.

174. STATEMENT AND AFFIDAVIT FOR REDEMPTIONS, 1879-1902. 1 vol., 1903-, in Lis Pendens Record, Certificate of Purchase, entry 173.

Record of affidavits of right to and redemption of property sold to satisfy judgments, showing cause number, names of plaintiff, defendant and redeemer, amounts of judgment, sale and costs, and date of redemption. Indexed alph. by names of defendants. Hdw. 596 pp. 18 x 12 x 3. Clk. rec. rm.

175. INCOME TAX WARRANT, 1934-. 1 file box.

Copies of warrants issued by state board of tax commissioners for persons failing to file state income tax reports, showing date and number of warrant, name and address of individual, amounts of tax, interest, penalty and costs, and sheriff's return. Arr. by dates of warrants. Hdw. 10 x 5 x 14. Clk. off.

176. WRITS, 1821-77. 1 file box.

Copies of miscellaneous writs issued by courts for service by sheriff, showing nature and number of cause, date of writ, names of plaintiff, defendant and person processed, amount of fee, and sheriff's return. 10 x 5 x 14. Clk. stor. rm., bsmt.

For subsequent records, see entries 185, 157, 191.

177. SUMMONS, 1866-86. 1 file box.

Copies of orders to sheriff to summon persons to appear in court to answer to complaints, showing date of summons and appearance, cause number, names of plaintiff, defendant, attorneys and person processed, and sheriff's return. Hdw. 10 x 5 x 14. Clk. stor. rm., bsmt.

For subsequent records, see entries 185, 157, 191.

NATURALIZATION

178. DECLARATION OF INTENTIONS, 1851-1927. 8 vols. After 1927, transferred to federal court.

Record of declaration of intention of aliens to become citizens of U. S., showing date of filing, name, birthplace, occupation and personal description of alien, date of arrival in U. S., and port of entry. Indexed alph. by names of aliens. Hdw. 450 pp. 18 x 12 x 2. Clk. off.

179. PETITIONS FOR NATURALIZATION, 1879-1930. 5 vols. After 1930, transferred to federal court.

Record of petitions for and granting of final papers of citizenship to aliens, showing dates of petition, declaration of intention, arrival in U. S., and issuance of final papers, name, age, birthplace, marital status of petitioner, and names and affidavits of witnesses. Also contains: Final Oaths,

1907-30, entry 180. Arr. by dates of petitions. Hdw. 300 pp. 14 x 10 x 2. Clk. off.

180. FINAL OATHS, 1857-1906. 2 vols. (1, 2). 1907-30 in Petitions for Naturalization, entry 179. After 1930, transferred to federal court.

Record of final oaths of renunciation of native country and allegiance to U. S., showing dates of declaration and petition, name, age, birthplace, nationality, occupation and marital status of alien. Arr. alph. by names of aliens. Hdw. 250 pp. 16 x 10 x 2. Clk. off.

181. [NATURALIZATION STATEMENTS], 1824-42. In Miscellaneous, entry 75.

Statements by clerk of persons receiving naturalization papers, showing dates of declaration and oath and name of citizen. Arr. alph. by names of citizens.

POWER OF ATTORNEY

(See also entries 118, 121, 122)

182. POWER OF ATTORNEY, 1886-87, 1934-. 2 file boxes. Instruments authorizing persons to act as attorney or agent for a specified purpose, showing dates of appointment and filing, names and addresses of principal and agent, and nature and term of powers granted. Arr. by dates of filing. Hdw. 10 x 5 x 14. 1 file box, 1886-87, clk. stor. rm., bsmt.; 1 file box, 1934-, clk. off.

APPEAL OPINIONS

183. APPEAL OPINIONS, 1888-. 5 file boxes.

Original supreme court opinions on causes appealed from lower courts, showing number and nature of cause, names of plaintiff, defendant and attorneys, and date and detailed statement of opinion. Arr. by dates of opinions. Hdw. 10 x 5 x 14. 2 file boxes, 1888-May 1904, clk. stor. rm., bsmt.; 3 file boxes, June, 1904-, clk. off.

BONDS

184. APPEAL BONDS, 1898-. 5 file boxes.

Bonds posted to insure payment of court costs in appeal cases, showing cause number, dates of bond and filing, names of principal and sureties, and amount and conditions of bond. Arr. by dates of filing. Hdw. and typed. 10 x 5 x 14. 3 file boxes, 1898-Nov. 5, 1919, clk. stor. rm., bsmt.; 2 file boxes, Nov. 10, 1919-, clk. off.

MOTIONS

185. MOTION FOR NEW TRIAL, 1932-. 3 file boxes. Original motions filed with court requesting new trials, showing date of filing, names of court, plaintiff, defendant and attorneys, cause number, and reasons for request. Arr. by dates filed. Hdw. 10 x 5 x 14. Clk. off.

DEPOSITIONS

186. DEPOSITIONS, 1864-69, 1911-28. 9 file boxes. Testimony of absent witnesses in court causes, showing number and nature of cause, names of plaintiff, defendant, attorneys and witnesses, date of examination, and all questions propounded and answers given. Arr. by dates of depositions. Hdw. 10 x 5 x 14. 1 file box, 1864-69, stor. rm. bsmt.; 8 file boxes, 1911-28, clk. off.

FEE AND CASH RECORDS

187. REGISTER OF FEES AND FUNDS HELD IN TRUST, 1912-. 3 vols. (1-3). Record of fees and funds held in trust pending proper disbursement, showing date and amount of receipt or disbursement, names of plaintiff, defendant, payer and payee, cause number, and volume and page reference to Cash Book, entry 258. Arr. by dates of receipts or disbursements. Hdw. 300 pp. 18 x 14 x 2. Clk. off.

188. CASH BOOK AND REGISTER OF WITNESS FEES, 1889-94. 1 vol. Record of fees for witnesses in court causes, showing cause number, date and amount received or disbursed, and names of payee and payer. Arr. by dates of receipts. Hdw. 375 pp. 18 x 12 x 2½. Clk. stor. rm., bsmt.

For subsequent records, see entry 131.

189. SUPPORT DOCKET, 1915-. 6 vols. (2-7). Record of receipts and disbursements of support money for dependents as ordered by court, showing dates and amounts of receipts or disbursements, and names of payer and payee. Indexed alph. by names of payees. Hdw. 600 pp. 18 x 12 x 3. Clk. off.

VI. SUPERIOR COURT

The superior court, established in Vanderburgh County in 1877, consists of one judge elected by the voters of the county

for a four-year term. Vanderburgh County alone constitutes the judicial district. The official name of the court is "Superior Court of Vanderburgh County."¹

The circuit court has original jurisdiction in all criminal cases under the state laws. The circuit court, superior court, and probate court have concurrent original jurisdiction in all civil cases at law and in equity, except the matters mentioned in the following paragraph.²

The probate court has exclusive original jurisdiction of juvenile matters, trusts, adoptions, guardianships, surviving partnerships, probate of wills, administration of estates of decedents and insolvents, and all other probate matters.³ The juvenile referee, appointed by the probate court, hears and determines juvenile matters under the supervision of the probate court.⁴

The circuit court, superior court, and probate court have concurrent appellate jurisdiction⁵ to review decisions of justices of the peace,⁶ city courts,⁷ board of commissioners,⁸ board of review fixing value of property for taxation,⁹ taxing authorities determining what property is taxable,¹⁰ board of public works or board of park commissioners of any city in the county (or city council performing such functions),¹¹ miners' examination board,¹² and other inferior tribunals when no express direction is given as to the court to which the appeal lies.¹³

¹ Acts 1877; Burns 4-2001; Baldwin 1688-24.

² Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1877; Burns 4-2010; Baldwin 1688-33. Acts 1919; Burns 4-3010; Baldwin 1811.

³ Acts 1919; Burns 4-3010, 4-3011; Baldwin 1811, 1812.

⁴ Acts 1923; Burns 9-2825, 9-2826; Baldwin 1773, 1774.

⁵ Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1877; Burns 4-2010; Baldwin 1688-33. Acts 1919; Burns 4-3010; Baldwin 1811.

⁶ *Ibid.* 2 Rev. Stat. 1852; Burns 5-1001; Baldwin 1931.

⁷ Acts 1905; Burns 4-2415; Baldwin 2390. Acts 1917; Burns 4-2603; Baldwin 11608. Acts 1921; Burns 4-2702; Baldwin 12172. Acts 1923; Burns 4-2802; Baldwin 12336.

⁸ Acts 1879 (Spec. Sess.), 1885; Burns 26-820; Baldwin 5275. 1 Rev. Stat. 1852; Burns 26-901; Baldwin 5277. Acts 1905; Burns 36-1501; Baldwin 8858. Acts 1933; Burns 27-117; Baldwin 5733. State ex rel. Sink v. Circuit Court, ---Ind.---, 15 N. E. (2d) 624.

⁹ Acts 1927; Burns 64-1020; Baldwin 15686.

¹⁰ Acts 1919, 1927; Burns 64-2103; Baldwin 15804.

¹¹ Acts 1933; Burns 48-4501; Baldwin 11576.

¹² Acts 1923; Burns 46-1008; Baldwin 11073.

¹³ Hamilton v. Fort Wayne, 73 Ind. 1.

From the time of creation of the superior court in 1877 until the creation of the probate court in 1919, the circuit court had exclusive original jurisdiction in all matters of which the probate court now has exclusive original jurisdiction.¹⁴

The circuit court, superior court, and probate court have concurrent original jurisdiction of naturalization proceedings under the federal laws,¹⁵ but are prevented from exercising such jurisdiction by the failure of the United States Department of Labor to furnish the necessary printed forms.

The judgments, decrees, orders, and proceedings of the superior court have the same force and effect as those of the Vanderburgh Circuit Court, and are enforced in the same manner.¹⁶ Many writs and orders can be granted by the court in vacation as well as in term-time.¹⁷ The court adopts rules for conducting its business and can compel attendance of witnesses, punish for contempt, and enforce its orders. The judge can administer oaths, solemnize marriages, take acknowledgments of deeds, and give all necessary certificates for the authentication of the records and proceedings of the court.¹⁸

The sessions and proceedings of the court are held at the courthouse in Evansville.¹⁹ Terms begin on the first Monday in March, June, September, and December, and last as long as the business of the court requires.²⁰ Before 1881, terms of court began on the first Monday of each month.²¹

The clerk of the circuit court and the sheriff of the county are, respectively, the clerk and sheriff of the superior court; and, as such, they, in person or by deputy, attend all sessions of the superior court and discharge in the superior court all duties which they are required by law to perform in the circuit court.²²

¹⁴ Acts 1903, ch. 237, sec. 1. Acts 1913, ch. 325, sec. 1. 2 Rev. Stat. 1852, pt. 1, ch. 8, sec. 4. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1873; Burns 4-328; Baldwin 1417. Acts 1877; Burns 4-2019; Baldwin 1688-33. Acts 1919; Burns 4-3010 to 4-3012; Baldwin 1811 to 1813.

¹⁵ Acts of Congress 1906, 1911, 1913; U. S. C., title 8, sec. 357.

¹⁶ Acts 1877; Burns 4-2012; Baldwin 1688-35.

¹⁷ Acts 1877; Burns 4-2013, 4-2014; Baldwin 1688-36, 1688-37.

¹⁸ Acts 1877; Burns 4-2015; Baldwin 1688-38.

¹⁹ Acts 1877; Burns 4-2005; Baldwin 1688-28.

²⁰ Acts 1877, 1881; Burns 4-2006; Baldwin 1688-29.

²¹ Acts 1877, ch. 34, sec. 6.

²² Acts 1877; Burns 4-2004; Baldwin 1688-27.

Under the direction of the judge, the clerk provides order books, judgment dockets, execution dockets, fee books, and such other books as may be necessary to the functioning of the court. All books, papers, and proceedings of the superior court are kept distinct and separate from those of other courts.²³

CIVIL CAUSES

ENTRY OF CAUSES

190. ENTRY DOCKET, ISSUE DOCKET AND FEE BOOK, 1877-. 65 vols. (1-65).

Record of entries, issues and costs in all causes tried in superior court, showing date of filing, number and nature of cause, names of plaintiff and defendant, amounts of fees and costs, and volume and page reference to Order Book, entry 195. Indexed alph. by names of defendants. Hdw. 600 pp. 18 x 12 x 3½. 38 vols., 1877-Dec. 3, 1927, clk. rec. rm.; 27 vols., Dec. 27, 1927-, clk. off.

ORIGINAL DOCUMENTS

191. DISPOSED OF CASES, 1877-. 643 file boxes (1-643). Original documents in causes tried and disposed of in superior court, including complaints, motions, demurrers, denials and writs, showing kind of document, date of trial, number, title and nature of cause, and names of plaintiff, defendant, witnesses and attorneys. Arr. by cause nos. Hdw. and typed. 10 x 5 x 14. 336 file boxes, 1877-May 1912, clk. stor. rm., bsmt.; 151 file boxes, June 1912-26, clk. rec. rm.; 156 file boxes, 1927-, clk. off.

MINUTES

192. BAR DOCKET, 1877-92, 1922-. 21 vols.

Record of causes tried in superior court, showing date, number and nature of cause, names of plaintiff, defendant and attorneys, and court proceedings. Arr. by cause nos. Hdw. 100 pp. 14 x 8 x ½. 10 vols., 1877-92, clk. stor. rm., bsmt.; 11 vols., 1922-, clk. off.

193. CLERK'S MINUTE BOOK, 1877-. 14 vols.

Clerk's record of actions and minutes of proceedings in civil causes of superior court, showing dates of filing and trial, nature and number of cause, names of plaintiff, defendant, attorneys and witnesses, court proceedings, and disposition.

²³ Acts 1877; Burns 4-2018; Baldwin 1688-41.

Arr. by dates of trials. Hdw. Condition poor. 200 pp. 14 x 8 x 1. 8 vols., 1877-1922, clk. stor. rm., bsmt.; 6 vols., 1923-, clk. off.

194. JUDGES DOCKET, SUPERIOR COURT TRANSFER, 1882-. 16 vols. Title varies: Judges Docket, Superior Court. Judge's record and minutes of proceedings in civil causes of superior court, showing date of filing, number and nature of cause, names of plaintiff, defendant and attorneys, and disposition. Arr. by dates of filing. Hdw. 750 pp. 14 x 10 x 6. 4 vols., 1882-May 1890, clk. stor. rm., bsmt.; 6 vols., Sept. 1890-1926, clk. rec. rm.; 6 vols., 1927-, clk. off.

ORDERS

195. ORDER BOOK, 1877-. 71 vols. (1-71). Record of court orders and proceedings in civil causes, showing dates of filing and trial, number and nature of cause, names of plaintiff and defendant, and court proceedings. Indexed alph. by names of defendants. 1877-Mar., 1908, hdw.; Sept. 1908-, typed. 600 pp. 18 x 12 x 2½. Clk. off.

JUDGMENTS

196. JUDGMENT DOCKET SUPERIOR COURT, 1877-. 5 vols. (1-5). Record of judgments rendered in superior court civil causes, showing number and nature of cause, names of plaintiff, defendant, attorneys and judgment debtor, and amounts of judgment, fees and costs. Indexed alph. by names of plaintiffs. Hdw. 550 pp. 18 x 13 x 3. Clk. rec. rm.

EXECUTIONS

(See also entries 266-69)

197. EXECUTION DOCKET, 1877-. 11 vols. (1-11). Record of executions to satisfy judgments in civil causes, showing date and nature of instrument, cause number, names of plaintiff, defendant and judgment debtor, amounts of judgment, interest and costs, and dates of judgment and sheriff's return. Indexed alph. by names of plaintiffs. Hdw. 288 pp. 18 x 12 x 3. 9 vols., 1877-1925, clk. rec. rm.; 2 vols., 1926-, clk. off.

198. EXECUTIONS [Superior Court], 1919-. 4 file boxes. 1877-1918 in Circuit Court Executions, entry 149. Writs for execution of judgments rendered in superior court, showing date and kind of writ, number and nature of cause, names of plaintiff, defendant, judgment debtor and creditor, and amounts of judgment and costs. Arr. by dates of writs. Hdw. 10 x 5 x 14. Clk. off.

MISCELLANEOUS RECORDS

JURIES

199. SUPERIOR COURT VENIRE, 1927-. 2 file boxes.

Lists of persons called for possible superior court jury service, showing date of venire and names of freeholders. Arr. by dates of venires. Hdw. 10 x 5 x 14. Clk. off.

200. JURY RECORD, 1890-. 2 vols.

Record of jurors serving in superior court causes, showing dates jury empaneled and discharged, cause number, names of plaintiff, defendant, jurors and bailiff, verdict of jury, length of service, amount of mileage, and number of meals. Indexed alph. by names of plaintiffs. Hdw. 500 pp. 16 x 10 x 2½. 1 vol., 1890-June 1909, clk. stor. rm., bsmt.; 1 vol., Sept. 1909-, supr. ct. rm.

201. TIME BOOK, 1924-. 1 vol.

Record of time served and expenses incurred by jurors in superior court causes, showing number of cause, names of jurors, date of service, number of meals, and kind and amount of fees. Arr. by dates of services. Hdw. 150 pp. 10 x 16 x 1. Supr. ct. rm.

DEPOSITIONS

202. DEPOSITION SUPERIOR COURT, 1877-. 13 file boxes.

Statements of absent witnesses in superior court causes, showing number and title of cause, date of statement, and names of witnesses and attorneys. Arr. by dates of statements. Hdw. and typed. 10 x 5 x 14. 4 file boxes, 1875-Mar. 1911, clk. stor. rm., bsmt.; 9 file boxes, Sept. 1911-, clk. off.

FEE AND CASH RECORDS

203. FEE BOOK, SUPERIOR COURT, 1902, 1931-. 6 vols.

(1-5, and 1 vol. not numbered).

Record of fees and costs in superior court causes, showing date of trial, cause number, kind and amount of fee, names of plaintiff and defendant, and amount of costs. Arr. by cause nos. Hdw. Condition poor. 500 pp. 13 x 12 x 3. 1 vol., 1902, clk. stor. rm., bsmt.; 5 vols., 1931-, clk. off.

VII. PROBATE COURT

The probate court, established in Vanderburgh County in

1919, consists of one judge elected by the voters of the county for a four-year term. Vanderburgh County alone constitutes the judicial district. The official name of the court is "The Vanderburgh Probate Court."¹

Before the establishment of this court, the matters over which it now has exclusive original jurisdiction were within the jurisdiction of the following courts: 1818 to 1829, circuit court;² 1829 to 1853, probate court;³ 1853 to 1873, court of common pleas;⁴ 1873 to 1919, circuit court.⁵

The circuit court has original jurisdiction in all criminal cases under the state laws. The circuit court, superior court, and probate court have concurrent original jurisdiction in all civil cases at law and in equity, except the matters mentioned in the following paragraphs.⁶

The probate court has exclusive original jurisdiction of juvenile matters, trusts, adoptions, guardianships, surviving partnerships, probate of wills, administration of estates of decedents and insolvents, and all other probate matters.⁷ The juvenile referee, appointed by the probate court, hears and determines juvenile matters under the supervision of the probate court.⁸

The circuit court, superior court, and probate court have concurrent appellate jurisdiction⁹ to review decisions of justices of the peace,¹⁰ city courts,¹¹ board of commissioners,¹²

¹ Acts 1919; Burns 4-3001; Baldwin 1802.

² Const. 1816, art. 5, sec. 3. Acts 1816-17, ch. 3, sec. 3. Acts 1817-18 (general), ch. 13. Rev. Laws 1824, ch. 79, sec. 1.

³ Acts 1828-29, ch. 26, secs. 1, 2. Rev. Laws 1831, ch. 25, secs. 1, 4. Rev. Laws 1843, ch. 39, secs. 1-13. 1 Rev. Stat. 1852, ch. 92, sec. 1. 2 Rev. Stat. 1852, pt. 1, ch. 8, sec. 43.

⁴ 2 Rev. Stat. 1852, pt. 1, ch. 8, sec. 4.

⁵ Acts 1903, ch. 237, sec. 1. Acts 1913, ch. 325, sec. 1. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1873; Burns 4-328; Baldwin 1417. Acts 1877; Burns 4-2010; Baldwin 1638-33. Acts 1919; Burns 4-3010 to 4-3012; Baldwin 1811 to 1813.

⁶ Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1877; Burns 4-2010; Baldwin 1688-33. Acts 1919; Burns 4-3010; Baldwin 1811.

⁷ Acts 1919; Burns 4-3010, 4-3011; Baldwin 1811, 1812.

⁸ Acts 1923; Burns 9-2825, 9-2826; Baldwin 1773, 1774.

⁹ Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1877; Burns 4-2010; Baldwin 1688-33. Acts 1919; Burns 4-3010; Baldwin 1811.

¹⁰ *Ibid.* 2 Rev. Stat. 1852; Burns 5-1001; Baldwin 1931.

¹¹ Acts 1905; Burns 4-2415; Baldwin 2390. Acts 1917; Burns 4-2603; Baldwin 11608. Acts 1921; Burns 4-2702; Baldwin 12172. Acts 1923; Burns 4-2802; Baldwin 12336.

¹² Acts 1879 (Spec. Sess.), 1885; Burns 26-820; Baldwin 5275. 1 Rev. Stat. 1852; Burns

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WORKS PROGRESS ADMINISTRATION
OF INDIANA

1200-02 KENTUCKY AVENUE
INDIANAPOLIS, INDIANA

JOHN K. JENNINGS
STATE ADMINISTRATOR

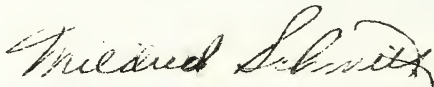
Dear Reader:

The "Inventory of Vanderburgh County Archives" was compiled and published by the Indiana Historical Records Survey, a Federal Project of the Works Progress Administration.

You will find this volume a valuable reference book on county history and governmental organization, as well as a guide to the official county records.

We solicit your comments and criticism to this work. Please address to John K. Jennings, State Administrator, Work Projects Administration, 1200-02 Kentucky Avenue, Indianapolis, Indiana.

Yours very truly,



Mildred Schmitt, Director
Professional and Service Division

S. J. Kagan, State Director
Historical Records Survey

SJK/bg

board of review fixing value of property for taxation,¹³ taxing authorities determining what property is taxable,¹⁴ board of public works or board of park commissioners of any city in the county (or city council performing such functions),¹⁵ miners' examination board,¹⁶ and other inferior tribunals when no express direction is given as to the court to which the appeal lies.¹⁷

The circuit court, superior court, and probate court have concurrent original jurisdiction of naturalization proceedings under the federal laws,¹⁸ but are prevented from exercising such jurisdiction by the failure of the United States Department of Labor to furnish the necessary printed forms.

The probate court has power to adopt rules of court, compel attendance of witnesses, punish for contempt, and enforce its orders. The judge can administer oaths, take acknowledgments of deeds, and make certificates to authenticate the records and proceedings of the court.¹⁹ The laws governing process of the circuit court apply to the process of the probate court.²⁰ The judgments, decrees, orders, and proceedings of the probate court have the same force and effect as those of the circuit court and are enforced in the same manner.²¹

The sessions and proceedings of the court are held at the courthouse in Evansville.²² Terms of court begin on the first Monday in March, June, September, and December, and continue as long as the business of the court requires.²³ Before 1935, terms began on the first Monday of each month and could be omitted in July and August.²⁴ Many orders and writs can be granted by the court in vacation as well as in term-time.²⁵

26-901; Baldwin 5277. Acts 1905; Burns 36-1501; Baldwin 8858. Acts 1933; Burns 27-117; Baldwin 5753. State ex rel. Sink v. Circuit Court, --- Ind. ---, 15 N. E. (2d) 624.

¹³ Acts 1927; Burns 64-1020; Baldwin 15686.

¹⁴ Acts 1919, 1927; Burns 64-2103; Baldwin 15804.

¹⁵ Acts 1933; Burns 49-4501; Baldwin 11576.

¹⁶ Acts 1923; Burns 46-1008; Baldwin 11073.

¹⁷ Hamilton v. Fort Wayne, 73 Ind. 1.

¹⁸ Acts of Congress 1906, 1911, 1913; U. S. C., title, 8, sec. 357.

¹⁹ Acts 1919; Burns 4-3018; Baldwin 1819.

²⁰ Acts 1919; Burns 4-3016; Baldwin 1817.

²¹ Acts 1919; Burns 4-3017; Baldwin 1818.

²² Acts 1919; Burns 4-3006; Baldwin 1807.

²³ Acts 1919, 1935; Burns, 1938 suppl., 4-3007; Baldwin, 1935 suppl., 1808.

²⁴ Acts 1919; Burns 4-3007; Baldwin 1808.

²⁵ Acts 1919; Burns 4-3020; Baldwin 1821.

The clerk of the circuit court and the sheriff of the county are, respectively, the clerk and sheriff of the probate court; and, as such, they, in person or by deputy, attend all sessions of the probate court and discharge in the probate court all duties which they are required by law to perform in the circuit court.²⁶ The probate court appoints a juvenile referee,²⁷ a chief clerk,²⁸ probation officers,²⁹ and a court stenographer.³⁰

Under the direction of the judge, the clerk provides order books, judgment dockets, execution dockets, fee books, and such other books as may be necessary to the functioning of the court. All books, papers, and proceedings of the probate court are kept distinct and separate from those of other courts.³¹

ESTATE AND GUARDIANSHIP CAUSES

ENTRY OF CAUSES

204. ESTATE ENTRY, CLAIM, AND ALLOWANCE DOCKET AND FEE BOOK, 1853—. 40 vols. (1-37, and 3 vols. not numbered). Title varies: 1853-1911, Appearance Docket.

Record of estates filed for probate, reports of administrators and executors, claims filed and allowances made against estates, and costs, showing dates of filing, claim and allowance, cause number, names of estate, administrator or executor and claimant, amount and nature of claim, date and amount of executor's or administrator's bond, names of sureties, and volume and page reference to Order Book, entry 228. Indexed alph. by names of estates; for separate index, see entry 205. Hdw. 600 pp. 20 x 12 x 3. 3 vols., 1853-77, clk. stor. rm., bsmt.; 37 vols., 1878-, prob. clk. off.

205. ESTATE INDEX, 1853—. 1 vol.

Index to Estate Entry, Claim, and Allowance Docket and Fee Book, entry 204, showing name of estate, number of cause, and volume and page reference to recording. Arr. alph. by names of estates. Hdw. 1,000 pp. 20 x 24 x 4. Prob. clk. off.

²⁶ Acts 1919; Burns 4-3004, 4-3005; Baldwin 1805, 1806.

²⁷ Acts 1923, 1925; Burns 9-2825; Baldwin 1773.

²⁸ Acts 1919; Burns 4-3024; Baldwin 1825.

²⁹ Acts 1919; Burns 4-3025; Baldwin 1826.

³⁰ Acts 1919; Burns 4-3026; Baldwin 1827.

³¹ Acts 1919; Burns 4-3019; Baldwin 1820.

WILLS

(See also entries 115-17)

206. RECORD OF WILLS, 1823-. 19 vols. (A-S).

Complete transcripts of all wills probated, showing names of testator, heirs, witnesses and executor, amount of bequests, location and description of property, and dates executed, probated and recorded. Indexed alph. by names of testators; for separate index, see entry 207. 1823-1903, hdw.; 1904-33, typed; 1934-, photostat. 600 pp. 20 x 12 x 4. Prob. clk. off.

207. GENERAL INDEX TO WILLS, 1823-. 1 vol.

General index to Record of Wills, entry 206, showing names of estate and testator and volume and page reference to recording. Arr. alph. by names of testators. Hdw. 600 pp. 20 x 12 x 3. Prob. clk. off.

208. [WILLS], 1842-. 125 file boxes.

Original wills probated, showing names of testator, heirs, witnesses and executor, location and description, amount of bequests, and dates of will, filing and probate. Arr. by dates of filing. Hdw. and typed. 10 x 5 x 14. Prob. clk. off.

ORIGINAL DOCUMENTS

209. DISPOSED ESTATE CASES, 1819-. 340 file boxes (A-D, 1-336), 26 file drawers.

Original documents in settlement of estate causes, including appointments, claims, reports, inventories, appraisals, bonds and sale bills, showing date and kind of document, cause number, names of estate, heir and executor or administrator, and final statement. Arr. by cause nos. Hdw. File boxes, 10 x 5 x 14; file drawers, 14 x 14 x 20. 214 file boxes, 1819-1910, clk. stor. rm., bsmt.; 126 file boxes, 1911-23, prob. clk. rec. rm.; 26 file drawers, 1924-, prob. clk. off.

210. DISPOSED OF GUARDIANSHIPS, 1861-. 126 file boxes, 34 file drawers.

Original documents in closed guardianship causes, including appointments, bonds, inventories, claims, sale bills, letters of guardianship and guardians' reports, showing cause number, date and kind of document, names of guardian and wards, amount of bond, and final settlement. Arr. by cause nos. Hdw. File boxes, 10 x 5 x 14; file drawers, 14 x 14 x 20. Prob. clk. off.

211. PENDING GUARDIANSHIP, 1932-. 17 file boxes.

Original documents in guardianship causes pending settlement, including appointments, bonds, inventories, claims, sale bills, letters of guardianship and guardians' reports, showing cause number, date and kind of document, names of guardian, wards and sureties, and amount of bond. Arr. by cause nos. Hdw. and typed. 10 x 5 x 14. Prob. clk. off.

BONDS

212. EXECUTOR'S BOND AND OATHS, 1848-. 7 vols. (numbering varies).

Record of oaths administered and bonds posted by executors, showing names of estate, executor and sureties, date, amount and conditions of bond, and oath of executor. Indexed alph. by names of executors. Hdw. 600 pp. 16 x 12 x 2. 5 vols., 1848-1923, clk. stor. rm., bsmt.; 2 vols., 1924-, clk. off.

213. ADMINISTRATOR'S OATHS AND LETTERS, 1847-1924. 11 vols. (337-47).

Record of letters issued and oaths administered to administrators, showing dates of letter and oath and names of estate and administrator. Indexed alph. by names of administrators. Hdw. 600 pp. 18 x 12 x 3. Clk. stor. rm., bsmt.

214. ADMINISTRATOR'S BOND TO SELL REAL ESTATE, 1912-Dec. 19, 1919. 2 file boxes.

Bonds posted by administrators to sell real estate, showing date, amount and conditions of bond, and names of estate, administrator and sureties. Arr. by dates of bonds. Hdw. 10 x 5 x 14. Clk. stor. rm., bsmt.

For subsequent records, see entry 209.

215. GUARDIAN'S BONDS, OATHS, AND LETTERS, 1853-. 46 vols. (3 vols. not numbered, 4-7, 1-39).

Record of letters of guardianship issued to, bonds posted, and oaths taken by individuals appointed to administer estates for wards, showing date of appointment, names of guardian, ward and sureties; oath of fidelity, date, amount and conditions of bond, and letters of guardianship. Indexed alph. by names of guardianships. Hdw. 450 pp. 18 x 12 x 2½. 7 vols., 1853-Apr. 2, 1925, clk. stor. rm., bsmt.; 39 vols., Apr. 3, 1925-, prob. clk. off.

216. GUARDIANS' BONDS TO SELL REAL ESTATE, 1917-23. 1 file box.

Bonds posted by guardians to sell real estate, showing cause number, date, amount and conditions of bond, names of court, guardian, sureties and estate or guardianship, and dates of approval and filing. Arr. by dates of filing. Hdw. 10 x 5 x 14. Clk. stor. rm., bsmt.

For subsequent records, see entry 210.

217. COMMISSIONER'S BOND TO SELL REAL ESTATE, 1915-Nov. 5, 1919, 2 file boxes.

Bonds posted by commissioners appointed by courts to sell real estate, showing date of filing, date, amount and conditions of bond, nature and number of cause, and names of commissioner and sureties. Arr. by dates of filing. Hdw. 10 x 5 x 14. Clk. off.

INVENTORIES AND SALE BILLS

218. RECORD OF INVENTORIES, 1848-80, 1885-. 32 vols.

Title varies; 1848-80 Inventory Record.

Record of administrators' inventories and appraisals of personal property of estates, showing date of inventory, names of estate and administrator, and amount, description and appraised valuation of property. Indexed alph. by names of estates. 1848-Nov. 1927, hdw.; Dec. 1927-, typed. 500 pp. 18 x 12 x 2. 17 vols., 1848-80, 1885-Nov. 1927, clk. stor. rm., bsmt.; 15 vols., Dec. 1927-, prob. clk. off.

219. RECORD OF INVENTORY, 1854-64. 1 vol.

Record of inventory, appraisement, and sale of property of estates settled in common pleas court, showing dates of inventory and sale, names of estate, appraisers, executor or administrator and purchasers, kind and appraised value of property, amount of each sale, and total amount of sales. Indexed alph. by names of estates. Hdw. 590 pp. 18 x 12 x 3. Clk. stor. rm., bsmt.

220. GUARDIANS' INVENTORY RECORD, 1896-1924. 2 vols. (2, and 1 vol. not numbered).

Transcripts of inventories of real and personal property of wards, showing date of inventory, names of estate, wards and guardians, amount of indebtedness, and amount, description and appraised value of property. Indexed alph. by names of guardianship. Hdw. 658 pp. 16 x 12 x 3. Clk. stor. rm., bsmt.

For subsequent records, see entry 228.

221. GUARDIAN'S AND ADMINISTRATOR'S INVENTORY RECORD, 1859-65. 1 vol.

Record of inventory and appraisement of real and personal property of minor heirs' estates settled in common pleas court, showing date of inventory, names of estate, heirs and guardian or administrator, amount, description and appraised value of property, and amount of indebtedness. Indexed alph. by names of estates. 728 pp. 18 x 12 x 3. Clk. stor. rm., bsmt.

222. INVENTORY OF SURVIVING PARTNERS, 1873-. 4 file boxes.

Inventories of property of firms and partnerships for settlement of estates of deceased members or partners, showing date of inventory, names of firm or partnership and deceased and surviving partners, itemized list of all property, appraised valuation, and amount of court costs. Arr. by dates of inventories. Hdw. Condition fair. 10 x 5 x 14. 2 file boxes, 1873-May 1924, clk. stor. rm., bsmt.; 2 file boxes, July 1924-, prob. clk. off.

223. SALE BILLS OF PERSONAL ESTATES, 1886-1910. 1 vol. Record of sales of personal property in settlement of estates, showing names of estate and purchasers, date and amount of sale, and kind and amount of property. Arr. by dates of sales. Hdw. 550 pp. 18 x 12 x 3. Clk. stor. rm., bsmt.

For subsequent records, see entry 228.

MINUTES

224. CLERK'S MINUTE BOOK, 1877-. 18 vols.

Clerk's record of actions and minutes of proceedings of court in probate causes, showing number and nature of cause, date and term of court, names of estate, administrator or executor, guardian and attorneys, minutes of proceedings, and disposition. Arr. by cause nos. 500 pp. 14 x 9 x 1½. 13 vols., 1877-1933, clk. stor. rm., bsmt.; 5 vols., 1934-, prob. clk. off.

225. JUDGE'S DOCKET, 1919-. 11 vols. (1-5, 1-6).

Judge's record of actions and minutes of proceedings in probate causes, showing number and nature of cause, date and term of court, names of estate or guardianship, administrator, executor or guardian and attorneys, and disposition. Arr. by cause nos. Hdw. 800 pp. 16 x 12 x 5. Clk. rec. rm.

226. GUARDIAN'S DOCKET AND FEE BOOK, 1874-. 18 vols. (1-18).

Record of proceedings and fees in guardianship causes, showing name of guardian, name, age and birthdate of ward, date of letters of guardianship, court proceedings, amount of fees, and volume and page reference to Order Book, entry 228. Indexed alph. by names of wards; for separate index, see entry 227. Hdw. 300 pp. 18 x 12 x 3. Prob. clk. off.

227. GUARDIANS' INDEX, 1861-. 1 vol.

Index to Guardians' Docket and Fee Book, entry 226, showing names of guardian and ward and volume and page reference to recording. Arr. alph. by names of wards. Hdw. 400 pp. 18 x 12 x 2. Prob. clk. off.

ORDERS

228. ORDER BOOK, 1821-. 89 vols. (A-D, 1-85).

Record of orders and proceedings of court in settlement of estates, showing date of action, cause number, names of estate, witnesses, heirs, attorneys, judge, appraiser and administrator or executor, value of estate, court proceedings, and order of court. Indexed alph. by names of estates. 1821-1900, hdw.; 1901-, typed. 600 pp. 18 x 12 x 3. 4 vols., 1821-52, clk. stor. rm., bsmt.; 85 vols., 1853-, prob. clk. off.

229. ASSIGNMENT ORDER BOOK, 1890-. 2 vols. (1, 2).

Record of assignments by court order of real or personal property in settlement of estate and receivership causes, showing date and purpose of assignment, names of assignor and assignee, and date of approval. Arr. alph. by names of assignors. 1890-1913, hdw.; 1914-, typed. 635 pp. 18 x 12 x 3. Clk. off.

230. INHERITANCE AND TRANSFER TAX RECORD, 1913-15 1 vol.

Record of orders determining value of estates and amount of tax, showing date of order, cause number, names of estate, heirs, executor or administrator and appraiser, appraised value of estate, amount of exemption, rate and amount of tax, and location and description of property. Arr. by cause nos. Hdw. 500 pp. 22 x 18 x 3. Clk. stor. rm., bsmt.

For subsequent records, see entry 228.

For other inheritance tax records, see entries 125, 306-08, 327.

COMPLETE TRANSCRIPTS

231. COMPLETE RECORDS, 1829-67. 7 vols. (1-4, 1-3).

Complete transcripts of all actions and proceedings in probate court causes, showing dates of filing and trial, nature and number of cause, names of estate, administrator, executor or guardian, attorneys and witnesses, proceedings of court, and final settlement. Indexed alph. by names of estates. Hdw. 300 pp. 18 x 13 x 3. Clk. stor. rm., bsmt.

For subsequent records, see entry 228.

232. COMPLETE RECORD, 1853-65. 5 vols.

Complete transcripts of all actions and proceedings in common pleas court involving real estate in settlement of estates, showing dates of filing and disposition, cause number, names of estate, appraisers and administrator or executor, description and appraised value of property, and disposition. Indexed alph. by names of estates. Hdw. 600 pp. 18 x 12 x 3. Clk. stor. rm., bsmt.

CIVIL CAUSES

ENTRY OF CAUSES

233. ENTRY DOCKET, ISSUE DOCKET, AND FEE BOOK, 1919-. 38 vols. (1-38).

Record of civil causes filed for action, processes issued, and fees collected, showing date of filing, cause number, names of plaintiff, defendant and attorneys, kind of process

issued, and nature and amount of fees. Arr. by cause nos. Hdw. 600 pp. 18 x 12 x 3. 17 vols., 1919-June 21, 1926, clk. rec. rm.; 21 vols., June 22, 1926-, clk. off.

234. BAR DOCKET, 1923-. 3 vols.

Record of civil causes filed for hearing in probate court, showing date of filing, cause number, and names of plaintiff and defendant. Hdw. 600 pp. 18 x 12 x 2. Clk. off.

ORIGINAL DOCUMENTS

235. DISPOSED CASES, 1919-. 180 file boxes (1-180), 9 file drawers.

Original documents in civil causes in probate court, including motions, demurrers, complaints, denials, pleadings, summonses, subpoenas and writs, showing date of trial, number, title and nature of cause, names of plaintiff, defendant, attorneys and witnesses, proceedings of court, and disposition. Arr. by cause nos. Hdw. File boxes, 10 x 5 x 14; file drawers, 16 x 12 x 30. Clk. rec. rm.

SANITY AND EPILEPTIC CAUSES

236. INSANITY RECORD, 1888-. 17 vols. (3-17, and 2 vols. not numbered).

Record of inquests and proceedings for commitment of patients to insane hospital, showing dates of application, court order and commitment, names of applicant, institution and patient, history of case, statement of physician, and superintendent's receipt for patient. Indexed alph. by names of patients. Hdw. 600 pp. 18 x 12 x 3. 2 vols., 1888-98, clk. stor. rm., bsmt.; 15 vols., 1899-, clk. off.

237. INSANITY INQUESTS, 1839-. 40 file boxes.

Papers pertaining to sanity causes and inquests, showing date of inquest, names of patient and relatives, history of case, and statements and recommendations of physicians. Arr. by dates of inquests. 10 x 5 x 14. 20 file boxes, 1839-1926, clk. stor. rm., bsmt.; 20 file boxes, 1927-, clk. off.

238. PETITION TO EPILEPTIC AND FEEBLE MINDED SCHOOL, 1933-. 1 file drawer.

Papers pertaining to commitment of patients to institutions for epileptics and feeble-minded, showing dates of petition, examination and hearing, names of petitioners and examining physician, name, case history and condition of patient, and disposition. Arr. by dates of petitions. 4 x 6 x 19. Clk. off.

MINUTES

239. JUDGE'S DOCKET, PROBATE COURT TRANSFERS, 1913-.
9 vols. (1-9).

Record of civil causes transferred to probate from circuit court, showing date, number and nature of cause, names of plaintiff, defendant, attorneys and trial judge, and orders of court. Indexed alph. by names of plaintiffs. Hdw. 800 pp. 14 x 10 x 4. Clk. off.

ORDERS

240. CIVIL ORDER BOOK, PROBATE, 1919-. 22 vols. (1-22).
Title varies: Civil Docket Probate.

Record of orders and proceedings in civil causes in probate court, showing date of action, cause number, names of plaintiff and defendant, nature of complaint, and orders of court. Indexed alph. by names of plaintiffs and defendants. Typed. 640 pp. 18 x 12 x 3½. 14 vols., 1919-July 14, 1931, clk. rec. rm.; 8 vols., July 15, 1931-, clk. off.

241. BANK LIQUIDATION ORDER BOOK OF PROBATE COURT, 1933-.
1 vol.

Record of liquidation by court order of all assets and liabilities of closed banks, showing dates of hearing and order, itemized statements of assets and liabilities, and name of bank. Arr. by dates of orders. Photostat. 326 pp. 18 x 12 x 2½. Clk. off.

JUDGMENTS

242. JUDGMENT DOCKET, 1919-. 2 vols. (1, 2).

Record of judgments rendered in civil causes of probate court, showing number and nature of cause, names of judgment debtor and creditor, date and amount of judgment and costs, and volume and page reference to Civil Order Book, Probate, entry 240. Indexed alph. by names of judgment debtors. Hdw. 500 pp. 18 x 12 x 2½. Clk. off.

243. EXECUTION DOCKET, 1919-. 3 vols. (1-3).

Record of executions on judgments in civil causes of probate court orders, showing date of issue, cause number, kind of writ, names of plaintiff, defendant and judgment debtor and creditor, amounts of judgment and costs, and sheriff's return. Indexed alph. by names of judgment debtors. Hdw. 652 pp. 18 x 12 x 3. Clk. off.

EXECUTIONS

(See also entries 266-69)

244. EXECUTIONS, 1919-. 5 file boxes.

Writs of execution issued in civil causes in probate court, showing date and kind of writ, cause number, names of plaintiff, defendant and judgment debtor and creditor, amounts of judgment and costs, and sheriff's return. Arr. by dates of writs. Hdw. 10 x 5 x 14. Clk. off.

JUVENILE CAUSES

ORIGINAL DOCUMENTS

245. [PENDING JUVENILE CAUSES INVOLVING ADULTS], 1923-.
2 file drawers.

Affidavits and statements in causes involving adults in juvenile actions, showing dates of affidavit and trial, names of defendant and affiant, nature of charge, kind of plea, and amount of bond. Arr. alph. by names of defendants. Hdw. and typed. 14 x 14 x 30. Probation off.

246. [DISPOSED OF JUVENILE CAUSES INVOLVING ADULTS], 1923-.
1 file drawer.

Affidavits and statements in disposed of causes involving adults in juvenile actions, showing dates of affidavit and trial, names of affiant and defendant, nature of charge, kind of plea, amount of bond, and disposition. Arr. alph. by names of defendants. Hdw. and typed. 14 x 14 x 30. Probation off.

247. PENDING CASES GIRLS, 1918-. 1 file drawer.

Original documents of pending causes involving girls, showing date and nature of offense, name, age, color, nationality, physical defects, education and home environment of girl, and names and addresses of parents. Arr. alph. by names of girls. Hdw. and typed. 14 x 14 x 30. Probation off.

248. DISPOSED OF CASES GIRLS, 1911-. 2 file drawers.

Papers pertaining to girls on probation, showing number and nature of cause, dates of offense and disposition, name, age and personal description of child, number of previous offenses, school conditions, home and community environment, marital status of parents, and religious affiliation. Arr. alph. by names of children. Hdw. and typed. 14 x 14 x 30. Probation off.

249. PENDING CASES BOYS, 1916-. 1 file drawer.

Original documents of pending causes involving boys, showing date and nature of offense, name, age, color, nationality, physical defects, education and home environment of boy, and names and addresses of parents. Arr. alph. by names of boys. Hdw. and typed. 14 x 14 x 30. Probation off.

250. DISPOSED OF CASES BOYS, 1911-. 3 file drawers.

Original documents of disposed of causes involving boys, showing date and nature of offense, name, age, color, nationality, physical defects, education and home environment of boy, names and addresses of parents, and disposition. Arr. alph. by names of boys. Hdw. and typed. 14 x 14 x 30. Probation off.

251. JUVENILE CAUSES DISPOSED OF, 1908-Mar. 1911. 1 file box.

Original instruments in disposed of causes involving juveniles, including affidavits, statements, notices and writs, showing date and nature of instrument, cause number, nature of charge, name of defendant, and disposition. Arr. by cause nos. Hdw. and typed. 10 x 5 x 14. Clk. stor. rm., bsmt.

For subsequent records, see entries 247, 249, 250.

MINUTES

252. JUVENILE DOCKET, 1913-20. 2 vols. Discontinued.

Record of actions and minutes of proceedings in juvenile causes, showing date of filing, name, age, color and sex of juvenile, date set for trial, nature and number of cause, and names and addresses of parents or guardian. Arr. by cause nos. Hdw. 358 pp. 18 x 12 x 2½. Clk. stor. rm., bsmt.

ORDERS

253. JUVENILE ORDER BOOK, 1904-. 6 vols. (1-6).

Record of court orders in juvenile actions, showing date of order, names of defendant, juvenile and parent or guardian, cause number, nature of charge, and disposition. Indexed alph. by names of defendants. Typed. 350 pp. 16 x 10 x 2. Prob. clk. off.

254. RILEY HOSPITAL ORDER BOOK, 1934-. 1 vol.

Record of court orders and transcripts of proceedings for admittance of children to Riley Hospital, showing date of action, names of child and examining physician, age and nature of illness or deformity of child, and health history of family. Indexed alph. by names of children. Hdw. 350 pp. 18 x 12 x 2½. Clk. off.

MISCELLANEOUS RECORDS

JURIES

255. VENIRE, 1919-. 2 file boxes.

Lists of freeholders called for possible jury service in probate court, showing date of venire and names of freeholders. Arr. by dates of venires. Hdw. 10 x 5 x 14. Clk. off.

256. JURY RECORD, 1919-. 1 vol.

Record of juries serving in probate court causes, showing dates empaneled and discharged, cause number, names of plaintiff, defendant, jurors and bailiff, verdict of jury, length of service, mileage, and number of meals. Indexed alph. by names of plaintiffs. Hdw. 500 pp. 14 x 10 x 2. Prob. ct. rm.

257. TIME BOOK, 1919-. 1 vol.

Record of time served and expenses incurred by jurors in probate court causes, showing date of service, cause number, names of jurors, length of service, mileage, and total fees. Arr. by dates of services. Hdw. 250 pp. 10 x 16 x 1½. Prob. ct. rm.

FEE AND CASH RECORD

258. CASH BOOK, 1918-. 4 vols.

Record of payments of fees and costs in court causes, showing date and amount of payment, nature and number of cause, and name of payer. Arr. by dates of payments. Hdw. 200 pp. 16 x 12 x 1. 3 vols., 1918-Aug. 1931, clk. stor. rm., bsmt.; 1 vol., June 1931-, prob. clk. off.

VIII. SHERIFF

The sheriff is a constitutional officer, elected for a two-year term, and is not eligible to hold office more than four years in any six-year period. The office of sheriff is established in Vanderburgh County under the Constitution of 1851 and the Revised Statutes of 1852.¹ The sheriff is commissioned by the governor and he must post a bond in an amount not less than five thousand dollars nor more than fifteen thousand dollars as determined by the board of commissioners.²

Vanderburgh County, since its formation in 1818, has had a sheriff, but originally the office was established under the Constitution of 1816 and by an act of the same year.³ In accordance with an act of 1818, concerning new counties, the governor appointed a sheriff to hold office until the next general election. His first duty was to hold an election

¹ Const. 1851, art. 6, sec. 2. 2 Rev. Stat. 1852.

² 2 Rev. Stat. 1852, Acts 1937; Burns, 1938 suppl., 49-2801; Baldwin, 1937 suppl., 5493.

³ Const. 1816, art. 4, sec. 25. Acts 1816-17, ch. 13, sec. 6.

for county officers,⁴ and this duty was discharged on February 16, 1818.⁵

Intermittently up to 1841, the sheriff was appointed collector of taxes by the board of commissioners under the authority of the acts of 1818 and 1824.⁶ Otherwise, there has been no significant change in the duties and powers of the sheriff.⁷

The sheriff is a conservator of the peace within the county and is required to arrest without process all persons who, within his view, commit any crime or misdemeanor and detain them in custody during the investigation of the cause of such arrest; to suppress all breaches of the peace, with authority to call to his aid the power of the county; to pursue and commit to jail all felons;⁸ to arrest all persons on warrants issued on indictments and affidavits and commit such persons to jail or hold them to bail as provided by law; and to serve summonses in cases of misdemeanors.⁹ He maintains the jail and the prisoners confined therein,¹⁰ and it is his duty to protect persons from being lynched.¹¹ He must execute all process directed to him by legal authority, and maintain and preserve order in all courts of record in the county, except courts of justices of the peace.¹²

The sheriff sells mortgaged property on foreclosure proceedings and property on execution;¹³ executes deeds to real estate sold by him;¹⁴ conveys persons committed to state charitable, correctional, and penal institutions;¹⁵ and attends sessions and executes the orders of the county council¹⁶ and

⁴ Acts 1817-18 (Spec. Sess.), ch. 3, sec. 1.

⁵ Record Book A [Executive Proceedings under the Government of the State of Indiana], Jan. 3, 1818. *History of Vanderburgh County, Indiana, (1889)*, pp. 574, 575.

⁶ Acts 1817-18 (general), ch. 42, sec. 14. Rev. Laws 1824, ch. 86, sec. 18.

⁷ Acts 1817-18 (general), ch. 20, sec. 1.

⁸ 2 Rev. Stat. 1852; Burns 49-2802; Baldwin 5494.

⁹ Acts 1905, 1937; Burns, 1938 suppl., 9-1001; Baldwin, 1937 suppl., 2134.

¹⁰ 2 Rev. Stat. 1852; Burns 49-2802; Baldwin 5494.

¹¹ Acts 1905; Burns 10-3309, 10-3310; Baldwin 2530, 2531.

¹² 2 Rev. Stat. 1852; Burns 49-2802; Baldwin 5494.

¹³ Acts 1881 (Spec. Sess.); Burns 2-3601, 3-1819; Baldwin 574, 1014.

¹⁴ Acts 1881 (Spec. Sess.); Burns 2-4101; Baldwin 619. Acts 1931; Burns 3-1806; Baldwin 1008.

¹⁵ Acts 1905; Burns 9-2232, 22-2013; Baldwin 2339, 4206. Acts 1911; Burns 22-1716; Baldwin 4230. Acts 1919; Burns 22-1809; Baldwin 4264. Acts 1927; Burns 22-1213; Baldwin 4305.

¹⁶ Acts 1899; Burns 26-510; Baldwin 5374.

the board of commissioners.¹⁷ The sheriff of the county is also a deputy of the supreme court of the state¹⁸ and as such serves all process and orders of the supreme and appellate courts.¹⁹

Whenever the sheriff is unable to attend to his duties, the coroner is to perform the duties of the sheriff;²⁰ and in the event that both the sheriff or coroner are incapacitated or unable to perform the duties of this office, it is one of the functions of the circuit court to appoint an elisor to take over the duties of the sheriff and coroner and he serves in such capacity until the disability of the sheriff and coroner is removed.²¹ The sheriff appoints deputies and bailiffs. They are to assist him as he directs and he is responsible for their official acts.²²

The sheriff keeps a cashbook, a fee book,²³ and a jail record.²⁴

SERVICE ON WRITS

259. SHERIFF'S DOCKET CIRCUIT COURT, 1877-. 13 vols.

Record of sheriff's service on writs in civil actions, showing date and kind of writ, cause number, names of plaintiff, defendant and witnesses, nature of action, amount of fees, and sheriff's return. Indexed alph. by names of plaintiffs. Hdw. 200 pp. 20 x 12 x ½. Clk. stor. rm., bsmt.

260. SHERIFF'S DOCKET, 1877-88, 1891-94, 1897-. 9 vols.

Record of sheriff's service on writs in criminal causes, showing date and kind of writ, cause number, names of defendant and witnesses, nature of charge, amount of fees, and sheriff's return. Arr. by cause nos. Hdw. 200 pp. 16 x 12 x ½. 3 vols., 1877-85, 1891-94, sher. off.; 6 vols., 1886-88, 1891, 1894, 1897, clk. stor. rm., bsmt.

261. SHERIFF'S DOCKET, 1877-80, 1884-92, 1894-99. 31 vols.

Record of sheriff's service on writs in superior court causes,

¹⁷ 1 Rev. Stat. 1852; Burns 26-611; Baldwin 5226.

¹⁸ 2 Rev. Stat. 1852; Burns 49-2203; Baldwin 1339. 2 Rev. Stat. 1852; Acts 1889; Burns 49-2204; Baldwin 1340.

¹⁹ Acts 1891; Burns 4-230; Baldwin 1378.

²⁰ 2 Rev. Stat. 1852, Acts 1933; Burns 49-2901, 49-2902; Baldwin 5436, 5437.

²¹ 2 Rev. Stat. 1852; Burns 4-322; Baldwin 1411.

²² 2 Rev. Stat. 1852; Burns 49-2804; Baldwin 5496.

²³ Acts 1895; Burns 49-1401; Baldwin 7576.

²⁴ Acts 1909; Burns 13-1007; Baldwin 13459.

showing date and kind of writ, nature and number of cause, names of plaintiff, defendant, attorneys, jurors and witnesses, amount of fees, and sheriff's return. Indexed alph. by names of plaintiffs. Hdw. 200 pp. 20 x 12 x 1/2. 25 vols., 1877-80, 1884-92, 1897-99, clk. stor. rm., bsmt.; 6 vols., 1894-99, sher. off.

For subsequent records, see entry 268.

262. SUBPOENAS, 1885-. 8 file boxes.

Duplicates of subpoenas served by sheriff and deputies, showing dates of subpoena, appearance and service, cause number, and name of party subpoenaed. Hdw. and typed. Condition fair. 12 x 4 x 18. Sher. off.

263. WARRANTS, 1885-. 2 file boxes.

Warrants issued for arrest of persons charged with law violations, showing dates of warrant and arrest, names of affiant, accused and arresting officer, and nature of offense. Arr. by dates of warrants. Hdw. 10 x 5 x 14. Sher. off.

264. BENCH WARRANTS, 1930-. 1 file drawer.

Warrants issued by judge for sheriff to bring defendants before court, showing date of warrant, name of defendant, nature of charge, and sheriff's return. Arr. by dates of warrants. Hdw. Condition fair. 12 x 4 x 18. Sher. off.

265. CIRCUIT COURT JURY RECORDS, 1874-. 8 vols.

Record of persons called for possible jury service, showing date of venire, names of persons called and jurors chosen, time served, and amount of fees allowed. Arr. by dates of venires. Hdw. Condition fair. 100 pp. 12 x 8 x 1. Sher. off.

EXECUTION OF JUDGMENTS

(See also entries 148-51, 170-74, 197, 198, 248, 244)

266. SHERIFF'S EXECUTION DOCKET, 1866-73, 1883-92, 1902-. 16 vols. (3-14, and 4 vols. not numbered).

Record of service on writs for execution of court orders, showing date of writ, number and nature of action, names of plaintiff, defendant, attorneys and person processed, amounts of judgment and costs, and sheriff's return. Indexed alph. by names of plaintiffs and defendants. Hdw. 600 pp. 20 x 12 x 3. 5 vols., 1866-73, 1883-92, 1902-Mar. 1903, clk. stor. rm., bsmt.; 11 vols., July 1903-, sher. off.

267. EXECUTIONS, 1885-. 7 file boxes.

Writs of executions of court orders in civil and criminal causes served by sheriff, showing dates of writ and service, number and nature of cause, names of plaintiff, defendant and

attorneys, location and description of property, amount of judgment, and sheriff's return. Arr. by dates of writs. Hdw. 12 x 8 x 18. Sher. off.

268. SHERIFF'S SALE BOOK, 1877-1924, 1929-. 9 vols.

Title varies: Sheriff's Sales Record Book.

Record of sales of property by sheriff to satisfy judgments, showing dates of order, publication and sale, cause number, names of plaintiff, defendant and purchaser, location and description of property, and amounts of sale, fees, penalties and costs. Indexed alph. by names of defendants. Hdw. 600 pp. 20 x 12 x 3. 7 vols., 1877-Feb. 5, 1891, 1903-24, 1929-, sher. off.; 2 vols., Feb. 6, 1891-1902, clk. stor. rm., bsmt.

269. SHERIFF'S SALES, 1885-. 4 file boxes.

Certificates of sale for property purchased at sheriff's sale to satisfy judgments, showing dates and amounts of sale and certificate, name of purchaser, description and location of property, and amount of payment. Arr. by dates of certificates. Hdw. Condition fair. 12 x 4 x 18. Sher. off.

270. BONDS, 1931-. 1 file drawer.

Bonds posted by plaintiffs for replevin of property of defendants, showing date and amount of bond, names of plaintiff, defendant and sureties, number and nature of cause, and description of property. Arr. by dates of bonds. Hdw. and typed. 12 x 14 x 24. Sher. off.

JAIL RECORDS

271. SHERIFF'S JAIL REGISTER, 1880-98, 1903-. 14 vols.

Record of prisoners committed to county jail, showing number, name, age, sex and birthplace of prisoner, dates of commitment and discharge, and nature of offense. Arr. by dates of commitments. Hdw. 380 pp. 20 x 12 x 2½. 4 vols., July 21, 1886-June 1891, 1907-13, 1917-23, clk. stor. rm., bsmt.; 10 vols., 1880-July 20, 1886, July 1891-98, 1903-06, 1914-16, 1924-, sher. off.

272. JAIL COMMITMENTS, 1905-14, 1934-. 8 bdl. 2 file boxes.

Commitment papers issued by court for imprisonment of persons in county jail, showing date of commitment, name of prisoner, nature of crime, amounts of fine and costs, and term of sentence. Arr. by dates of commitments. Hdw. Bdl., 7 x 8 x 12; file boxes, 10 x 5 x 14. 8 bdl., 1905-14, clk. stor. rm., bsmt.; 2 file boxes, 1934-, sher. off.

FEE AND CASH RECORDS

273. CASH BOOK SHERIFF, 1891-1914, 1925-. 6 vols.

Record of receipts and disbursements of cash collected by sheriff, showing date, amount and nature of receipt or disbursement, cause number, and names of payer and payee. Arr. by dates of receipts or disbursements. Hdw. 300 pp. 14 x 10 x 3. 2 vols., Dec. 1898-1902, 1911-14, clk. stor. rm., bsmt.; 4 vols., 1891-Nov. 1898, 1903-10, 1925-, sher. off.

274. REGISTER OF FOREIGN FEES, 1855-91. 1 vol.

Record of fees for service on writs from other counties, showing dates of writ and service, nature of writ, names of foreign county, plaintiff and defendant, and amount of fee. Indexed alph. by names of defendants. Hdw. 498 pp. 18 x 12 x 3. Clk. stor. rm., bsmt.

For subsequent records, see entry 273.

MAPS

275. VANDERBURGH COUNTY, 1929. 2 maps.

Political and communication maps of Vanderburgh County, showing highways and boundaries of cities, towns and townships. Published at Evansville by Smith and Butterfield. Printed. Scale: 1½" to 1 mi. 30 x 54. Sher. off.

IX. CORONER

The office of coroner was established in Vanderburgh County under the Constitution of 1851. The coroner is elected for a two-year term without restriction on re-election.¹ He is commissioned by the governor under the Revised Statutes of 1852, and is required to post a bond of not less than one thousand nor more than five thousand dollars, as fixed by the board of commissioners.²

Prior to the Constitution of 1851, the office of coroner was established in Vanderburgh County in 1818, under the authority of the Constitution of 1816 and the Revised Laws of 1824.³ The first coroner was elected at the general election

¹ Const. 1851, art. 6, sec. 2.

² 2 Rev. Stat. 1852, Acts 1933; Burns 49-2901; Baldwin 5436.

³ Const. 1816, art. 4, sec. 25. Rev. Laws 1824, ch. 100, secs. 1-8.

August 24, 1818.⁴ There has been no major change in the office of coroner, other than the abolition of the coroner's jury⁵ and the transformation of the inquest from a court hearing in public to a formal nonjudicial inquiry.⁶

The coroner is required to investigate deaths by violence, by accident, or other than natural causes; to inquire into the cause and manner of death;⁷ and to order the arrest of any person whom he may charge with murder.⁸ He holds inquests without a jury,⁹ and may subpoena witnesses and employ a physician to make a post-mortem examination;¹⁰ he draws up his verdict,¹¹ and files it in the office of the clerk of the circuit court, together with a report, giving a minute description of the deceased and valuables found with the body.¹² The coroner is a peace officer with the same powers as the sheriff,¹³ and acts as sheriff in event of absences, a vacancy in the office, personal interest, or incapacity of that officer.¹⁴ He arrests and commits the sheriff to jail, if necessary.¹⁵

276. RECORDS [Inquests], 1888-94, 1899-1902, 1907-. 13 vols.

Record of inquests in cases of sudden or violent deaths, showing date of inquest, name and description of decedent, date, place and cause of death, description of any valuables, names and testimony of witnesses, and amount of fees. Indexed alph. by names of decedents. Hdw. 500 pp. 16 x 12 x 2. 2 vols., 1888-94, 1899-1902, clk. stor. rm., bsmt.; 11 vols., 1907-, cor. off.

For other coroner's records, see entries 277, 344.

277. CORONER'S INQUEST, 1839-. 86 file boxes (1-86), 1 bdl. Inquests held in cases of violent or sudden death, showing date

⁴ Bryant & Fuller, *History of Vanderburgh County, Indiana*, (1889), 52.

⁵ Acts 1879; Burns 49-2905; Baldwin 5444.

⁶ Acts 1817-18 (general), ch. 20, secs. 1-9.

⁷ 2 Rev. Stat. 1852, Acts 1871, 1879 (Spec. Sess.), 1935; Burns, 1938 suppl., 49-2904; Baldwin, 1935 suppl., 5439.

⁸ 2 Rev. Stat. 1852; Burns 49-2914; Baldwin 5448.

⁹ Acts 1879 (Spec. Sess.); Burns 49-2905; Baldwin 5444.

¹⁰ 2 Rev. Stat. 1852; Burns 49-2906; Baldwin 5440.

¹¹ 2 Rev. Stat. 1852, Acts 1879 (Spec. Sess.); Burns 49-2908; Baldwin 5442.

¹² 2 Rev. Stat. 1852, Acts 1879 (Spec. Sess.); Burns 49-2909; Baldwin 5443.

¹³ 2 Rev. Stat. 1852, Acts 1933; Burns 49-2901; Baldwin 5436.

¹⁴ 2 Rev. Stat. 1852; Burns 49-2902; Baldwin 5437.

¹⁵ 2 Rev. Stat. 1852; Burns 49-2903; Baldwin 5438.

of inquest, date, cause and place of death, name, approximate age and description of deceased, statement of witnesses and medical examiners, and verdict of coroner's jury. Arr. by dates of inquests. Hdw. File boxes, 5 x 4 x 10; bdl., 4 x 10 x ½. 38 file boxes, 1839-1910, clk. stor. rm., bsmt.; 48 file boxes, 1911-Oct. 1937, clk. rec. rm.; 1 bdl., Nov. 1937-, cor. off.

For other coroner's records, see entries 276, 344.

X. PROSECUTING ATTORNEY

The prosecuting attorney is a constitutional officer, elected in each judicial circuit for a two-year term.¹ He is an officer of the circuit court and must reside within the bounds of the judicial circuit.² He must post bond in the amount of \$5,000, approved by the circuit judge, and filed with the clerk of the circuit court.³ He officially represents the state and county, and prosecutes the pleas of the state in the circuit and superior courts of Vanderburgh County.⁴

The office of prosecuting attorney was established by the territorial legislature and carried over into the early days of statehood. The prosecutor was appointed by the president judge and associate judges of the circuit court.⁵ The Revised Laws of 1824 contained a provision for two prosecuting attorneys: The circuit court appointed a prosecuting attorney in the county, who held office during good behavior,⁶ and the governor appointed a circuit prosecuting attorney for a one-year term, who acted for the state.⁷ In 1826, the prosecutor was appointed by the governor, with the advice and consent of the senate, for a two-year term. His salary was set at \$200 annually.⁸ The next year, the general assembly provided that he

¹ Const., art. 7, secs. 11, 12.

² State ex rel. Howard v. Johnson, 101 Ind. 223.

³ 2 Rev. Stat. 1852; Burns 49-2502; Baldwin 5458.

⁴ 2 Rev. Stat. 1852; Burns 49-2501, 49-2502; Baldwin 5456, 5458.

⁵ Laws Ind. Terr., Acts 1814, ch. 3, secs. 4, 5. Const. 1816, art. 12, sec. 4. Acts 1816-17, ch. 3, sec. 2.

⁶ Rev. Laws 1824, ch. 24, sec. 9.

⁷ Rev. Laws 1824, ch. 24, sec. 10.

⁸ Acts 1825-26, ch. 44, sec. 1.

be appointed by a joint ballot of the senate and house of representatives. The annual salary was made \$150.⁹

Under authority of an act of 1831, the prosecuting attorney was chosen for each judicial circuit by a joint ballot of the senate and house of representatives for a two-year term. He took an oath of office administered by the president judge of the circuit, and executed a bond, to be approved by said judge, in penalty of \$5,000. His salary remained \$150. per year.¹⁰ An act of 1843 provided that he be elected by the voters of the circuit for a two-year term and be commissioned by the governor. He was charged with his former statutory duties and required to be a lawyer licensed to practice in the courts of Indiana.¹¹ The term of office was lengthened to three years in 1847, but in 1851 this law was repealed and the law of 1843 was revived.¹² The prosecuting attorney was made a constitutional officer by the Constitution of 1851.¹³

Whenever a prosecuting attorney fails to attend any court in his circuit, it is the duty of the judge to appoint some person to act in his place. The compensation for his deputy is deducted from the salary of the prosecutor.¹⁴ He administers oaths,¹⁵ and performs the duties of notaries public.¹⁶ He collects docket fees for his services in criminal prosecutions, divorce cases, suits on forfeited recognizances, and other suits which he is required to prosecute or defend.¹⁷ He cannot represent applicants for liquor licenses.¹⁸

The prosecuting attorney, in Vanderburgh County, conducts all prosecutions for felonies or misdemeanors and all suits on forfeited recognizances; resists applications for changing names; protects the interests of all persons of unsound mind; and superintends, on behalf of the county, all suits in which the county may be interested or involved.¹⁹ He prosecutes

⁹ Acts 1826-27, ch. 17, secs. 1, 2

¹⁰ Rev. Laws 1831, ch. 10, secs. 1-5.

¹¹ Acts 1842-43 (general), ch. 15, secs. 1-5.

¹² Acts 1846-47 (general), ch. 13, sec. 1. Acts 1850-51 (general), ch. 132, secs. 1-3.

¹³ Const., art. 7, secs. 11, 12.

¹⁴ 2 Rev. Stat. 1852; Burns 49-2505; Baldwin 5461.

¹⁵ Acts 1901; Burns 49-2506; Baldwin 5462.

¹⁶ Acts 1919; Burns 49-2507 to 29-2510; Baldwin 5463 to 5466.

¹⁷ Acts 1875 (Spec. Sess.); Burns 49-2511; Baldwin 5468.

¹⁸ Acts 1901, 1913; Burns 49-2513; Baldwin 5467.

¹⁹ 2 Rev. Stat. 1852; Burns 49-2504; Baldwin 5460.

bastardy suits;²⁰ resists undefended divorce suits;²¹ recovers gaming losses for a dependent wife and/or children, or for the state;²² prosecutes suits to enjoin violation of laws concerning horse racing;²³ prosecutes in city courts for criminal offenses under state laws.²⁴ Whenever county officials fail to make the proper reports or payments to other county officials, the prosecutor moves against them.²⁵ At sessions of the grand jury, he presents evidence and gives requested advice on law.²⁶

He prosecutes before justices of the peace, cases of surety of the peace.²⁷ He acts for the state when a surety on a forfeited recognizance sues the principal on the theory of subrogation of the rights of the state.²⁸

The prosecuting attorney files information for proceedings against a company to determine its rights of incorporation;²⁹ he prosecutes violators of safety and sanitary regulations concerning factories.³⁰ He prosecutes: Clerks of the circuit court for violation of the marriage license law;³¹ officers failing to make records or payments to the state;³² hedge fence suits on relation of the highway supervisor,³³ or on relation of the township trustee;³⁴ and railroads for not graveling highway crossings.³⁵

He represents the medical examination board in cases of appeal for a license;³⁶ and he appears for persons of alleged unsound mind.³⁷

The prosecutor has many duties in aiding in the collec-

²⁰ 2 Rev. Stat. 1852; Burns 3-522; Baldwin 867.

²¹ Acts 1873, 1913; Burns 3-1212 to 3-1215; Baldwin 916 to 919.

²² 1 Rev. Stat. 1852; Burns 10-2323; Baldwin 2806.

²³ Acts 1895; Burns 10-2711; Baldwin 9273.

²⁴ Acts 1905; Burns 4-2409; Baldwin 11595.

²⁵ Acts 1895; Burns 49-1408; Baldwin 7583.

²⁶ Acts 1905; Burns 9-826; Baldwin 2122.

²⁷ Acts 1905; Burns 9-511; Baldwin 2059.

²⁸ Acts 1905; Burns 9-1045; Baldwin 2178.

²⁹ 1 Rev. Stat. 1852; Burns 39-134.

³⁰ Acts 1899; Burns 40-1016; Baldwin 10081. Acts 1899; Burns 40-1019; Baldwin 10084.

³¹ 1 Rev. Stat. 1852; Burns 44-204; Baldwin 5635.

³² Acts 1883; Burns 49-142; Baldwin 13094.

³³ Acts 1891; Burns 30-303; Baldwin 1935 suppl., 7648-1.

³⁴ Acts 1895; Burns 30-307; Baldwin 7649.

³⁵ Acts 1895; Burns 55-620; Baldwin 14119.

³⁶ Acts 1897, 1899, 1901; Burns 63-1306; Baldwin 10707.

³⁷ 2 Rev. Stat. 1852, Acts 1895; Burns 8-202; Baldwin 3460.

tion of taxes. He prosecutes persons who give fraudulent property tax lists;³⁸ prosecutes refusals to pay taxes;³⁹ and enforces penalties and forfeitures in the law governing the state board of tax commissioners, except those under the jurisdiction of the attorney general.⁴⁰ He brings suit to obtain delinquent real property taxes,⁴¹ actions to enforce lien of State of Indiana on lands for sales for delinquent taxes,⁴² suit upon the treasurer's bond when he refuses or neglects to make settlement with the auditor for the full amount of the tax duplicate.⁴³ He also sues the treasurer for failure to pay the revenues of his office to the auditor.⁴⁴ He makes monthly reports to the board of commissioners concerning his activities and the amount of fees collected by him and turned over to the treasurer.⁴⁵

278. AFFIDAVITS, 1932-. 2 file drawers.

Affidavits filed against defendants charged with criminal offenses, showing dates of affidavit, offense and trial, name of defendant, nature of charge, cause number, and disposition. Arr. alph. by names of defendants. Typed. 12 x 15 x 24. Pros. off., Central Union Bank Bldg., 4th and Sycamore Sts., Evansville.

279. PROSECUTOR'S CASE DOCKET, 1932-. 4 vols.

Docket of criminal causes filed, showing names of defendant, attorneys and judge, number and nature of cause, dates of filing and disposal, term of court, proceedings, and disposition. Arr. by cause nos. Hdw. 600 pp. 11 x 8 x 4. Pros. off., Central Union Bank Bldg., 4th and Sycamore Sts., Evansville.

280. CRIMINAL OFFENDERS, 1932-. 4 file drawers.

Card index to criminal causes, showing date of filing, number and nature of cause, and name of defendant. Arr. alph. by names of defendants. Typed. 5 x 15 x 24. Pros. off., Central Union Bank Bldg., 4th and Sycamore Sts., Evansville.

³⁸ Acts 1919; Burns 64-608; Baldwin 15576.

³⁹ Acts 1919; Burns 64-719; Baldwin 15633.

⁴⁰ Acts 1919; Burns 64-1319; Baldwin 15723

⁴¹ Acts 1932 (Spec. Sess.); Burns 64-1511; Baldwin 15754

⁴² Acts 1919; Burns 64-1518; Baldwin 15772.

⁴³ Acts 1919; Burns 64-2507; Baldwin 15856.

⁴⁴ Acts 1919; Burns 64-2508; Baldwin 15857.

⁴⁵ Acts 1933; Burns 49-2695; Baldwin 7550.

XI. COUNTY ASSESSOR

The assessor of Vanderburgh County is a statutory officer, elected for a four-year term by the voters of the county. He must have been a continuous resident freeholder of the county for at least four years before the date of his election. He is required to post bond in the amount of \$5,000, approved by and filed with the auditor.¹ The office of assessor was established in its present form by an act of 1919.²

From the time of the organization of the county in 1818³ until 1841, assessors (often called listers) were appointed annually by the board of commissioners, to list all property subject to taxation and to determine the value thereof (where the tax was based on value).⁴ An act of February 10, 1841 provided for the election of a county assessor in each county for a two-year term.⁵ The office of county assessor was abolished in 1852, and the duties were transferred to township assessors elected for two-year terms.⁶ From 1841 to 1872, real property was assessed by appraisers appointed by the board of commissioners from time to time as needed.⁷ The office of county assessor (elected for two-year term) replaced that of appraiser in 1872;⁸ but in 1875 the office was abolished, and the duties were transferred to township assessors elected for two-year terms.⁹ An act of March 6, 1891 re-established the office of county assessor. Under this law, the assessor was elected for a four-year term, and was not eli-

¹ Acts 1919, 1921; Burns 64-110i; Baldwin 15696.

² Acts 1919, 1921; Burns 64-110l to 64-1103; Baldwin 15696, 15698, 15699.

³ Acts 817-18 (special), ch. 10.

⁴ Acts 1817-18 (general), ch. 42, Commissioners' Record, A: 4, 17, 35; A (part B), 25, 48, 77, 78, 105, 168. Rev. Laws 1824, ch. 86, sec. 5. See also: Theodore Calvin Pease, editor, *Laws of Northwest Territory*, Act of Aug. 1, 1792, p. 69, ch. 3, secs. 3-6. *Ibid.*, Act of June 19, 1795, p. 201, secs. 3-8, 10-12, 28, 30, 39, 40. Francis S. Philbrick, editor, *Laws of Indiana Territory 1801-1809*. Introduction, pp. 115, 117, 151, 152. *Ibid.*, Acts 1805, ch. 32, secs. 1-8, 19, 22, 24. *Ibid.*, Acts 1807, ch. 45, sec. 4; ch. 92, secs. 1-16, 31; ch. 98, sec. 1. Louis B. Ewbank and Dorothy L. Riker, editors, *Laws of Indiana Territory 1809-1816*, Acts 1811, ch. 35, secs. 1-10; ch. 42. *Ibid.*, Acts 1813-14, ch. 32, secs. 1-3, 9. Const. 1816, art. 12, sec. 4.

⁵ Acts 1840-41 (general), ch. 3, sec. 1.

⁶ 1 Rev. Stat. 1852, ch. 6, sec. 64; ch. 92, sec. 1.

⁷ Acts 1840-41 (general), ch. 1, secs. 1, 5. Acts 1850-51 (general), ch. 5, sec. 1. 1 Rev. Stat. 1852, ch. 6, secs. 44, 45. Acts 1858 (Spec. Sess.), ch. 2, sec. 1.

⁸ Acts 1872 (Spec. Sess.), ch. 37, secs. 107, 276.

⁹ Acts 1875, ch. 97, secs. 2, 7, 9.

gible for re-election until four years after the expiration of the term for which he was elected. He was required to be a resident freeholder and householder of the county not less than five years before the date of his election.¹⁰ In 1933, the office of township assessor was abolished in all townships having a population not exceeding 5,000 (Armstrong, Center, German, Scott, and Union), and the duties of the office were transferred to the township trustees.¹¹ Reference hereinafter to township assessors includes township trustees performing the duties prescribed by statutes for township assessors.

The duties of the county assessor are: To examine tax duplicates and other records and papers in the offices of the auditor, treasurer, recorder, clerk, sheriff, and surveyor, together with the returns of the township assessors; to discover, list, and assess all omitted property of every kind, entering his valuations in a separate column on the township assessor's books; to advise and instruct the township assessors; to report to the state board of tax commissioners any incompetency or neglect of duty on the part of township assessors;¹² and determine the value of intangibles for taxes.¹³ Under appointments by the probate court, he serves as appraiser of estates in the administration of the inheritance tax law.¹⁴ He appraises school property in accordance with laws concerning transfer of pupils from one school to another.¹⁵ He is ex officio member and president of the Vanderburgh County Board of Review.¹⁶ His work is under the direction of the state board of tax commissioners, and he may be removed by that board for incompetency, neglect of duty, or misconduct in office.¹⁷

Assessments by the county assessor under the property-tax laws are subject to review by the county board of review. Such assessments are also reviewable by the circuit, superior and probate courts on the question of whether the property is taxable.¹⁸

¹⁰ Acts 1891, ch. 99, sec. 112.

¹¹ Acts 1933; Burns 64-1031; Baldwin 15664.

¹² Acts 1919; Burns 64-1102; Baldwin 15698.

¹³ Acts 1933, 1935; Burns, 1938 suppl., 64-905; Baldwin, 1935 suppl., 17903

¹⁴ Acts 1919; Burns 4-3010; Baldwin 1811. Acts 1931, 1933; Burns 6-2408; Baldwin 15946.

¹⁵ Acts 1901, 1909, 1915, 1921; Burns 28-3704; Baldwin 6288.

¹⁶ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

¹⁷ Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

¹⁸ Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1877; Burns 4-2010; Baldwin

The assessor must, on or before the first Monday after July 4 each year, return to the auditor all township assessors' books, returns, lists, schedules, maps, and other papers received by him from the auditor, together with such additional lists, assessments, books, and papers as he has made thereto.¹⁹ He is not required to keep any records permanently.²⁰

ASSESSMENTS

281. REAL ESTATE TRANSFERS, 1912-. 5 vols.

Record of transfer of titles to real estate, showing date of transfer, names of grantor and grantee, location and description of property, and volume and page reference to recording. Indexed alph. by names of grantors and grantees. Hdw. 200 pp. 16 x 16 x 1½. Assr. off.

282. [TAXABLE INTANGIBLES], 1933-. 1 file drawer.

Applications for determining valuation and amount of tax on intangibles, showing date of application, name of applicant, description of intangibles, face value, valuation by applicant, county assessor, and state tax board, and amount of tax due. Arr. by dates of applications. Hdw. 12 x 12 x 18. Assr. off.

For other intangible tax records, see entries 309, 328.

283. AUTO CARDS AND ADDITIONAL IMPROVEMENTS, 1933-. 18 file drawers.

Card record of auto owners for assessments. showing name of owner, and kind, model and assessed valuation of car. Arr. alph. by names of owners. Typed. 4 x 4 x 20. Assr. off.

284. [STOCK MARKET REPORTS], 1933-. 1 file drawer.

Newspaper clippings of stock market quotations, showing name and date of publication, name of company or corporation, and stock market price. Arr. by dates of publications. Printed. 6 x 10 x 18. Assr. off.

285. [REPORTS TO STATE BOARD OF TAX COMMISSIONERS], 1933-. 1 file drawer.

Assessor's reports to state board of tax commissioners of all taxable personal property, showing date of report, names of taxing unit and taxpayer, and itemized statement of taxable property. Arr. by dates of reports. Hdw. 6 x 18 x 24. Assr. off.

1688-33. Acts 1919; Burns 4-3010; Baldwin 1811. Acts 1919, 1927; Burns 64-2103; Baldwin 15804
This statement of the limitation of the scope of the appeal was suggested by Philip Zoercher, chairman of the state board of tax commissioners.

¹⁹ Acts 1919; Burns 64-1102; Baldwin 15698.

²⁰ Interview with E. P. Brennen, state examiner, on May 18, 1939.

MAPS

286. COUNTY OF VANDERBURGH, 1929. 1 map.

Communication map of Vanderburgh County, showing electric railways, improved and unimproved roads, rivers and creeks, and city and township boundaries. Published at Evansville by Smith and Butterfield. Colored. Scale: $1\frac{1}{2}$ " to 1 mi. 24 x 48. Assr. off.

287. VANDERBURGH COUNTY, 1908. 1 map.

Political and communication map of Vanderburgh County, showing railways, township boundaries and plat of city of Evansville. Drawn by J. W. Davidson, Evansville. Black and white. Scale: $3\frac{1}{2}$ " to 1 mi. 54 x 96. Assr. off.

288. EVANSVILLE, INDIANA, 1934. 1 map.

Political map of Evansville, showing the city and precincts. Published at Evansville by W. K. Stewart. Black and white. Scale: 1" to 800'. 42 x 54. Assr. off.

XII. COUNTY BOARD OF REVIEW

The board of review of Vanderburgh County, established under an act of 1891¹ and re-established in 1919, reviews property-tax assessments (except those made by the state board of tax commissioners), equalizes property valuations, and makes assessments of omitted property. The board is composed of the county assessor, auditor, and treasurer, and two freeholders of opposite political parties, appointed annually by the judge of the circuit court. The assessor is president, and the auditor is secretary.²

Before 1919, duties analogous or similar to those of the present board of review were performed by the following officers and boards: From the organization of the county in 1818³ to 1823, board of commissioners;⁴ 1824 to 1838, clerk

¹ Acts 1891, ch. 99, sec. 114.

² Acts 1919, 1920 (Spec. Sess.); Burns 64-1201, 64-1205; Baldwin 15700, 15704.

³ Acts 1817-18 (special), ch. 10.

⁴ Acts 1817-18 (general), ch. 42, sec. 12. See also: Theodore Calvin Pease, editor, *Laws of Northwest Territory*, Act of Aug. 1, 1792, p. 69, ch. 3, sec. 9. *Ibid.*, Act of June 19, 1795, p. 201, secs. 11-14. Francis S. Philbrick, editor, *Laws of Indiana Territory 1801-1809*, Acts 1805, ch. 32, secs. 7, 8. *Ibid.*, Acts 1807, ch. 45, secs. 9, 10; ch. 98, sec. 1. Louis B. Ewbank and Dorothy L. Riker, editors, *Laws of Indiana Territory 1809-1816*, Acts 1811, ch. 35, secs. 6, 7. Const. 1816, art. 12, sec. 4.

of the circuit court with listers or assessors;⁵ 1839, 1840, board of commissioners, clerk of the circuit court, and assessors or listers;⁶ 1841, board of commissioners, county assessor, and auditor (personal property only); 1841, board of equalization composed of board of commissioners, auditor, and appraiser (real estate only);⁷ 1842 to 1852, board of equalization composed of board of commissioners, county assessor, and auditor;⁸ 1853 to 1871, board of equalization composed of board of commissioners, auditor, and assessors (personal property only);⁹ 1853 to 1871, board of equalization composed of board of commissioners, county auditor, and appraiser or appraisers (real estate only);¹⁰ 1872 to 1880, board of equalization composed of board of commissioners, county assessor, and auditor;¹¹ 1881 to 1890, board of equalization composed of board of commissioners and four freeholders (from different parts of the county) appointed by the circuit judge;¹² 1891 to 1894, board of review composed of county assessor, auditor, and treasurer;¹³ 1895 to 1918, board of review composed of county assessor, auditor, treasurer, and two freeholders appointed by the circuit judge.¹⁴

All decisions of the board of review are subject to review by the state board of tax commissioners.¹⁵ On questions of law concerning valuation of property, the decisions of the board of review and the state board of tax commissioners may be reviewed by the circuit court, superior court, or probate court; and appeal (on law and facts) may be taken from the

⁵ Rev. Laws 1824, ch. 86, sec. 7. Acts 1825, ch. 47, sec. 3. Rev. Laws 1831, ch. 81, secs. 5, 7, 8.

⁶ Acts 1838-39 (general), ch. 14, secs. 14, 15. The editor substituted "clerk of the circuit court" for "auditor", in view of the last sentence of sec. 5 of said act, there being no auditor in Vanderburgh County in 1839 or 1840.

⁷ Acts 1838-39 (general), ch. 14, secs. 14, 15. Acts 1840-41 (general), ch. 1, sec. 13.

⁸ Acts 1840-41 (general), ch. 1, sec. 18.

⁹ 1 Rev. Stat. 1852, ch. 6, sec. 91. The Revised Statutes of 1852 became effective on May 6, 1853. Jones v. Cavins, 4 Ind. 305.

¹⁰ 1 Rev. Stat. 1852, ch. 35, sec. 2. Jones v. Cavins, 4 Ind. 305.

¹¹ Acts 1872 (Spec. Sess.), ch. 37, secs. 150, 277, 278.

¹² Acts 1881 (Spec. Sess.), ch. 96, sec. 129.

¹³ Acts 1891, ch. 99, sec. 114.

¹⁴ Acts 1895, ch. 36, sec. 2. commissioners, tax rule 6.

¹⁵ Acts 1919, 1935; Burns, 1938 suppl., 64-1321; Baldwin, 1935 suppl., 15725. State board of tax commissioners, tax rule 6.

board of review to any of these courts on the question whether property is taxable.¹⁶

The board of review holds an annual meeting on the first Monday of June;¹⁷ and the session may last 45 days.¹⁸ A majority of all the members of the board constitutes a quorum for the transaction of business, and such majority must concur in decisions of the board. The auditor, as secretary, is required to keep full and accurate minutes of the proceedings of the board.¹⁹

289. BOARD OF REVIEW, 1891-. 4 vols. (1-4).

Minutes of board of review meetings, showing date of meeting, names of members present, subjects discussed, and action taken. Arr. by dates of meetings. Typed. 450 pp. 14 x 10 x 2. 3 vols.; 1891-June 1931, aud. stor. rm., bsmt.; 1 vol., July 1931-, aud. off.

290. DUPLICATE NOTICES BY BOARD OF REVIEW, 1931-. 4 file boxes.

Duplicate notices of hearing on petitions for assessment adjustments, showing name and address of petitioner and dates of notice and hearing. No orderly arrangement. Hdw. 10 x 5 x 14. Aud. off.

291. [DOMESTIC CORPORATION STATEMENTS], 1934-. 1 file box. Affidavits of domestic corporations of stocks, bonds and other taxable property, showing date of affidavit, names of corporation and owners, valuation of stocks and bonds, and itemized statement of other taxable property. Arr. alph. by names of corporations. Typed. 10 x 5 x 14. Assr. off.

292. OATH BOARD OF REVIEW MEMBERS, 1937-. 1 file box. Oaths taken by members of board of review, showing date and nature of oath and name of member. Arr. by dates of oaths. Hdw. 5 x 5 x 10. Aud. off.

¹⁶ Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1877; Burns 4-2010; Baldwin 1688-33. Acts 1919; Burns 4-3010; Baldwin 1811. Acts 1927; Burns 64-1020; Baldwin 15686. Acts 1919, 1927; Burns 64-2103; Baldwin 15804. This statement of the scope of the appeals was suggested by Philip Zoercher, chairman of the state board of tax commissioners.

¹⁷ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

¹⁸ Acts 1919; Burns 64-1205; Baldwin 15704.

¹⁹ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

XIII. COUNTY BOARD OF TAX ADJUSTMENT

The board of tax adjustment of Vanderburgh County was established by an act of 1932¹ and re-established by acts of 1933² and 1937. It consists of seven members, chosen as follows: One member of the county council, selected by the council; the mayor of Evansville or any public official of any city in the county appointed by him; one member of the board of school trustees of Evansville, selected by that board; and four freeholders of the county selected annually, two by the judge of the circuit court, and two by the judge of the superior court. No more than four of the seven members of the board may be members of the same political party. The board elects its own chairman and vice-chairman, and the auditor acts as clerk, but has no vote in its proceedings.³

The board, established under the act of 1932, was composed of the auditor; three members of the county council, selected by the council; and three members annually appointed by the circuit judge.⁴ The board, established under the act of 1933, consisted of seven members, one of whom was a member of and appointed by the county council. The other six members were appointed by the circuit judge, as follows: A township trustee; the mayor of a city or the president of the board of trustees of a town; a member of the board of school commissioners, board of school trustees, or board of education of a school city or school town; and three freeholders of the county at large.⁵

The board of tax adjustment reviews budgets, tax levies, and tax rates adopted by the county council for the county and also those adopted by the several taxing units within the county. The board meets on the second Monday in September each year, and from day to day thereafter as its business requires, and must complete its duties on or before October 1.⁶ The auditor, as clerk, keeps a complete record of the proceedings of the board.⁷

¹ Acts 1932 (Spec. Sess.), ch. 10, sec. 4.

² Acts 1933, ch. 237, sec. 4.

³ Acts 1937; Burns, 1938 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

⁴ Acts 1932 (Spec. Sess.), ch. 10, sec. 4.

⁵ Acts 1933, ch. 237, sec. 4.

⁶ Acts 1899; Burns 26-515; Baldwin 5379. Acts 1937; Burns, 1938 suppl., 64-310, 64-311; Baldwin, 1937 suppl., 15897-4, 15897-5.

⁷ Acts 1937; Burns, 1938 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

293. [BOARD OF TAX ADJUSTMENT RECORD], 1933-. In County Council Record, entry 36.

Minutes of meetings of board of tax adjustment, showing date of meeting, names of members present, nature of business discussed, and action taken.

294. COUNTY TAX LEVIES, 1933-. 7 file boxes.

Statements to auditor of levies made by county council for taxing units, showing date of statement, name of taxing unit, and amount of levy. Arr. by dates of statements. Hdw. 10 x 5 x 14. Aud. off.

295. REMONSTRANCES ON TAX LEVIES, 1931-. 1 file box.

Original complaints on tax levies, showing date and reason for complaint, and names of complainants. Arr. by dates of remonstrances. Hdw. 10 x 5 x 14. Aud. off.

XIV. BOARD OF FINANCE

The board of finance of Vanderburgh County consists of the board of commissioners, under the authority of the Depository Acts of 1937.¹ The board was first created by an act of 1907,² and re-created by the Depository Act of 1935.³

The board of finance has supervision of all public funds of the county and of the safekeeping and deposit thereof.⁴ It may sue and be sued, in its own name, in any court of competent jurisdiction.⁵ It designates the banks and trust companies to serve as depositories for county funds,⁶ and may revoke the commission of any depository at any time.⁷ The board keeps, as permanent records, the depositories' monthly statements of deposits.⁸ Under authority of another act of 1937, the board designates depositories for all fees and funds received by the clerk of the circuit court by virtue of his office.⁹

¹ Acts 1937; Burns, 1938 suppl., 61-629, 61-663; Baldwin, 1937 suppl., 13844-50, 13844-84.

² Acts 1907, ch. 222, sec. 6. This act was repealed by Acts 1935, ch. 70, sec. 42.

³ Acts 1935, ch. 70, secs. 7, 43. This act was repealed by Acts 1937, ch. 3, sec. 42.

⁴ Acts 1937; Burns, 1938 suppl., 61-629; Baldwin, 1937 suppl., 13844-50.

⁵ Acts 1937; Burns, 1938 suppl., 61-633; Baldwin, 1937 suppl., 13844-54.

⁶ Acts 1937; Burns, 1938 suppl., 61-634 to 61-636; Baldwin, 1937 suppl., 13844-55 to 13844-57.

⁷ Acts 1937; Burns, 1938 suppl., 61-636; Baldwin, 1937 suppl., 13844-57.

⁸ Acts 1937; Burns, 1938 suppl., 61-638; Baldwin, 1937 suppl., 13844-59.

⁹ Acts 1937; Burns, 1938 suppl., 61-673; Baldwin, 1937 suppl., 1438-1.

The board of finance holds an annual meeting on the third Monday in January, at which it elects its president;¹⁰ and holds a biennial meeting on the third Monday in February, in the odd-numbered years, at which it considers proposals of banks and designates depositories for the ensuing two-year period.¹¹ The board holds sessions, whenever necessary, to discharge its duties and accomplish the purposes of the laws governing it. A majority of members constitutes a quorum for the transaction of business. All meetings are open to the public.¹²

The auditor, as secretary of the board of finance,¹³ keeps a record of its proceedings. All records of the board are subject to public inspection.¹⁴

¹⁰ Acts 1937; Burns, 1938 suppl., 61-633; Baldwin, 1937 suppl., 13844-54.

¹¹ Acts 1937; Burns, 1938 suppl., 61-636; Baldwin, 1937 suppl., 13844-57.

¹² Acts 1937; Burns, 1938 suppl., 61-633; Baldwin, 1937 suppl., 13844-54.

¹³ Acts 1937; Burns, 1938 suppl., 61-629; Baldwin, 1937 suppl., 13844-50.

¹⁴ Acts 1937; Burns, 1938 suppl., 61-633; Baldwin, 1937 suppl., 13844-54.

296. BOARD OF FINANCE RECORD, 1907-16, 1935-. 2 vols. Minutes of meetings of board of finance, showing date of meeting, names of members present, nature of business discussed, and action taken. Arr. by dates of meetings. Typed. 250 pp. 16 x 12 x 2½. 1 vol., 1907-16, aud. stor. rm., bsmt.; 1 vol., 1935-, aud. off.

297. DEPOSITORY INTEREST, 1931-. 1 file box. Itemized statements of deposits and interest earned, showing date of statement, dates and amounts of deposits, name of depository, and amount of interest earned. Arr. by dates of statements. Typed. 10 x 5 x 14. Aud. off.

XV. COUNTY SCHOOL FUND BOARD

The county school fund board of Vanderburgh County, as created by an act of 1935, consists of the auditor and the clerk of the circuit court as ex officio members and one person appointed by the judge of the circuit court for a two-year term. No more than two members of the board may be adherents of the same political party.¹

¹ Acts 1865, 1935; Burns, 1938 suppl., 28-209; Baldwin, 1935 suppl., 6558.

Originally, loans from the school funds of Vanderburgh County were made by the school commissioner elected by the voters for a three-year term, in accordance with an act of 1829. The school commissioner was a financial agent of the county to manage the school funds and the lands belonging thereto.² Later, under the Revised Statutes of 1852, his duties were divided between the auditor and treasurer.³ The auditor had the sole authority to make loans until 1935.⁴

The common school fund, as established by the Constitution of 1851,⁵ is kept by the auditor in pursuance of an act of 1865, in two separate accounts:⁶ (1) The common school fund, consisting of moneys from the sale of escheated property, fines assessed by the courts, all lands granted to the state without a special object named in the grant, all moneys and lands formerly belonging to county seminaries, and all appropriations for schools, together with sundry minor funds; (2) the congressional township school fund, consisting of moneys from the sale of congressional township school lands. Distribution of the common school fund is made biennially by the state to the counties on the basis of the last enumeration of school children.⁷ Both funds are controlled and loaned by the county,⁸ which is held liable for both principal and interest.⁹ Whenever more than five thousand dollars in either fund remains unloaned in the county for six months, the county auditor must notify the state auditor and the unloaned moneys may be transferred to another county.¹⁰

The school fund board makes all loans from these school funds to owners of real estate, properly secured by mortgage. The board must satisfy itself, after approval of the title by the county attorney, as to the value of real estate offered in the mortgage, the validity of the title, and whether it is

² Acts 1828-29, ch. 84, sec. 8.

³ 1 Rev. Stat. 1852, ch. 98, sec. 133.

⁴ *Ibid.*, ch. 98, secs. 34, 35. Acts 1865, ch. 1, sec. 75.

⁵ Const., art. 8, sec. 2. Though the constitutional provision combines all moneys into one fund—the common school fund—these two funds are still called by their separate names as before, as well as kept separately on the auditor's books.

⁶ Acts 1865; Burns 28-105; Baldwin 6511.

⁷ Acts 1907; Burns 28-102; Baldwin 6500.

⁸ Acts 1865; Burns 28-101; Baldwin 6499. Acts 1907; Burns 28-102; Baldwin 6500.

⁹ Acts 1865; Burns 28-104; Baldwin 6499-1.

¹⁰ Acts 1901; Burns 28-206; Baldwin 6573.

encumbered.¹¹ Loans may also be made to the county upon proper authorization by the county council, in certain cases, for a period not exceeding five years.¹²

298. SCHOOL FUND LOAN CONTRACTS, 1917-. 9 file boxes. Original mortgages on real estate executed to secure school fund loans, showing date, number and amount of mortgage, name of mortgagor, location and description of property, and conditions of repayment. Arr. by mortgage nos. Hdw. 10 x 5 x 14. Aud. off.

299. ABSTRACT FOR SCHOOL FUND LOANS, 1931-. 4 file boxes. Abstracts of titles to property mortgaged to secure school fund loans, showing name of owner, location and description of property, and complete statement of all transfers of property to date. No orderly arrangement. Typed. 10 x 5 x 14. Aud. off.

300. SCHOOL FUND DELINQUENT REGISTER, 1931-. 1 vol. Record of contracts for payment of delinquent school fund loan installments, showing dates, numbers and conditions of contract and loan, amounts of loan and delinquency, rate of interest, name and address of borrower, description of property, and volume and page reference to School Fund Mortgage Record, entry 99. Indexed alph. by names of borrowers. Typed. 250 pp. 16 x 10 x 1. Aud. off.

301. CONTRACT ON DELINQUENT SCHOOL FUND LOANS, 1931-. 1 file box. Original contracts for payments of delinquent school loan installments, showing dates, numbers and conditions of contract and loan, amounts of loan and delinquency, rate of interest, name and address of borrower, description of property, and volume and page reference to School Fund Mortgage Record, entry 99. Arr. by dates of contracts. Hdw. 10 x 5 x 14. Aud. off.

302. EXTENSION SCHOOL FUNDS, 1931-. 1 file box. Statements of extension of payments on school fund loans, showing date and amount of loan, name of borrower, location and description of property, and date due. No orderly arrangement. Typed. 10 x 5 x 14. Aud. off.

¹¹ Acts 1865, 1935; Burns, 1938 suppl., 28-209; Baldwin, 1935 suppl., 6558.

¹² Acts 1901; Burns 28-201, 28-202; Baldwin 6568, 6569.

XVI. TREASURER

The treasurer is a constitutional officer, elected for a two-year term by the voters of the county. No person is eligible to hold the office for more than four years in any six-year period.¹ The treasurer is required to post bond in an amount determined by the board of commissioners and not less than the amount of money which may come into his hands at any time during his term.²

Beginning in 1818, the board of commissioners, under authority of an act of January 1, 1817, annually appointed a county treasurer, who received and disbursed county funds³ but did not collect taxes.⁴ The treasurer became an elective officer by an act of 1841, and since that time has had charge of collecting the taxes.⁵

The treasurer receives all moneys coming to the county and disburses the same on warrants issued by the auditor and countersigned by himself. He stamps on the warrant the name of the depository which is to pay it. He may pay the warrant out of funds in his office or require it to be presented to the depository for payment.⁶ He collects taxes for the state and county and also for townships, cities, and towns in the county, in the amount shown on the tax duplicate delivered to him by the auditor.⁷ He sells real estate and personal property at public auction for delinquent taxes.⁸ He also collects corporate taxes,⁹ inheritance taxes,¹⁰ and the excise tax on shares of stock and deposits of banks, trust companies,¹¹ and loan

¹ Const., art. 6, sec. 2.

² 1 Rev. Stat. 1852, Acts 1865, 1919; Burns 49-3101; Baldwin 5548.

³ Acts 1816-17, ch. 17, secs. 1-3. Commissioners' Record, A :11.

⁴ Acts 1816-17, ch. 17, sec. 10; ch. 19, secs. 9, 15, 16.

⁵ Acts 1840-41 (general), ch. 4, secs. 1, 13-22.

⁶ Acts 1899, 1935; Burns, 1938 suppl., 26-522; Baldwin, 1935 suppl., 5386. 1 Rev. Stat. 1852; Burns 49-3103, 49-3111; Baldwin 5550, 5558. Acts 1937; Burns, 1938 suppl., 61-627; Baldwin, 1937 suppl., 18844-48.

⁷ Acts 1905; Burns 48-6701, 48-6702, 48-6705; Baldwin 11511 to 11513. Acts 1919; Burns 64-1408; Baldwin 15745. Acts 1919; Burns 64-1502; Baldwin 15748.

⁸ Acts 1932 (Spec. Sess.); Burns 64-1509, 64-1511; Baldwin 15752, 15754. Acts 1919, 1931; Burns 64-1701 to 64-1705, 64-2201, 64-2203 to 64-2211; Baldwin 15778 to 15782, 15806, 15808 to 15818. Acts 1919, 1931, 1937; Burns, 1938 suppl., 64-2202; Baldwin, 1937 suppl., 15807.

⁹ Acts 1919; Burns 64-1801; Baldwin 15783.

¹⁰ Acts 1931; Burns 6-2413; Baldwin 15951.

¹¹ Acts 1933; Burns 64-804; Baldwin 15585.

associations;¹² and sells intangible tax stamps for the state board of tax commissioners.¹³

All public funds paid into the county treasury must be deposited by the treasurer daily in one or more depositories designated by the board of finance. The treasurer reports monthly to the board of finance, showing the balance of funds at the end of the previous month—consistent with the statements furnished to the board by the depository;¹⁴ reports quarterly to the board of commissioners, showing the amount of money in the county treasury;¹⁵ reports monthly to the auditor, showing the total amount of cash payments received by him during the month and the respective accounts on which they were applied;¹⁶ makes semiannual settlements for taxes with the county auditor in May and November,¹⁷ and in accordance therewith, pays to the state treasurer in June and December therewith, all money due for state purposes;¹⁸ and also makes payments to the state treasurer at other times.¹⁹ He makes quarterly reports to the auditor, showing specifically the amount of fees collected;²⁰ and deposits quarterly with him all redeemed warrants.²¹ The treasurer is ex officio a member of the board of review.²²

The treasurer must keep his office, books, and papers in a fireproof building (if available) and his office must be open for transaction of business during business hours.²³ He must keep a cashbook wherein are entered daily, by item, all receipts of public funds. The book must be balanced daily and be open to public inspection.²⁴ He keeps records of all receipts and disbursements in a general account, and also in separate accounts for specific appropriations and distinct funds.²⁵

¹² Acts 1933; Burns 64-827; Baldwin 15608.

¹³ Acts 1933; Burns 64-927; Baldwin 15925.

¹⁴ Acts 1937; Burns, 1938 suppl., 61-624; Baldwin, 1937 suppl., 13844-45.

¹⁵ Acts 1895, 1913; Burns 49-1403; Baldwin 7578.

¹⁶ Acts 1919; Burns 64-2101; Baldwin 15802.

¹⁷ Acts 1919; Burns 64-2501; Baldwin 15850.

¹⁸ Acts 1919; Burns 64-2503, 64-2504; Baldwin 15852, 15853.

¹⁹ Acts 1859, 1861; Burns 49-1813; Baldwin 15059. Acts 1937; Burns, 1938 suppl., 61-626;

Baldwin, 1937 suppl., 13844-47.

²⁰ Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577.

²¹ 1 Rev. Stat. 1852; Burns 49-3114; Baldwin 5561.

²² Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

²³ 1 Rev. Stat. 1852; Burns 49-3106; Baldwin 5553. Acts 1853; Burns 49-3107, 49-3108; Baldwin

5556, 5557.

²⁴ Acts 1937; Burns, 1938 suppl., 61-623; Baldwin, 1937 suppl., 13844-44.

²⁵ 1 Rev. Stat. 1852; Burns 49-3109; Baldwin 5554.

TAX COLLECTIONS

PERSONAL AND REAL PROPERTY

303. TAX DUPLICATES, 1919-. 152 vols. (numbering varies). Record compiled annually by auditor of all taxes payable, showing date and number of duplicate, names of taxing unit and taxpayer, location, description and assessed valuation of property and improvements, amounts of real, personal and poll taxes and exemption, and amounts of delinquencies and penalty. Arr. by taxing units, thereunder alph. by names of taxpayers. Hdw. 200 pp. 16 x 22 x 3. 63 vols., 1919-25, treas. stor. rm., bsmt.; 89 vols., 1926-, treas. off.

304. TAX RECEIPTS, 1922-. 1,215 vols. Carbon copies of receipted tax statements, showing duplicate number, name of taxpayer, location and description of property, and date and amount paid. Arr. by taxing units, thereunder alph. by names of taxpayers. Typed. 400 pp. 5 x 11 x 1½. 1,122 vols., 1922-35, treas. stor. rm., bsmt.; 93 vols., 1936-, treas. off.

305. REGISTER OF TAXES COLLECTED, 1926-. 22 vols. Record of tax collections, showing duplicate number, names of property owner and taxing unit, and date and amount of payment. Arr. by names of taxing units, thereunder by dates of payments. Hdw. 700 pp. 20 x 14 x 3. 18 vols., 1926-34, treas. stor. rm., bsmt.; 4 vols., 1935-, treas. off.

INHERITANCE TAX

(See also entries 125, 230, 327)

306. APPRAISER'S NOTICES, 1930-. 1 file box. Court notices of dates set for hearing reports of appraiser and determining values of estates and fixing amounts of taxes, showing dates of notice and hearing, and names of estate, heirs and appraiser. Arr. by dates of notices. Hdw. 10 x 5 x 14. Treas. off.

307. INHERITANCE TAX, 1931-. 1 file box. Orders determining valuation of estates and amount of inheritance tax, showing dates of order, appraisal of estate and filing of schedule, names of estate, appraiser, executor or administrator and heirs, value of real and personal property, location and description of property, amount of reduction for indebtedness, rate and amount of tax, and amount allowed appraiser. Arr. by dates of orders. Hdw. 10 x 5 x 14. Treas. off.

308. INHERITANCE AND TRANSFER TAX RECORD, 1913-. 3 vols. Duplicates of receipts issued for payment of inheritance and

transfer taxes, showing date and number of receipt, cause number, names of executor, trustee, legatee and deceased, and amounts of legacy, tax, interest and discount. Arr. by dates of receipts. Hdw. 300 pp. 8 x 11 x 1. 1 vol., 1913-23, treas. stor. rm., bsmt., 2 vols., 1924-, treas. off.

INTANGIBLE TAX

(See also entry 328)

309. [INTANGIBLE TAX STAMPS], 1933-. 1 envelope..

Daily and yearly report of intangible tax stamps received, sold and on hand, showing date of report, number and denomination of stamps received and sold daily, and balance on hand at close of year. Arr. by dates of reports. Hdw. 14 x 12 x 1. Treas. off.

For other intangible tax records, see entries 282, 328.

PUBLIC IMPROVEMENTS

(See also entries 23-31)

310. RECORD OF ASSESSMENTS FOR REPAIR OF DITCHES, 1905-.
1 vol.

Record of ditch repair assessments, showing name, location and description of ditch, date, number and amount of assessment, location of real estate benefited, and name of payer. Arr. by dates of assessments. Hdw. 200 pp. 16 x 14 x 1½. Treas. off.

311. DITCH ASSESSMENT DUPLICATE OF TOWNSHIP, 1913-. 1 vol.
Record of assessments for ditch construction, showing names of ditch and payer, number and amount of assessment, and location and description of property benefited. Arr. by names of ditches, thereunder alph. by names of payers. Hdw. 100 pp. 16 x 16 x 1½. Treas. off.

312. DITCH ASSESSMENT RECEIPTS, 1933-. 1 vol.
Duplicate receipts issued for payment of ditch assessments, showing date, number and amount of receipt, names of payer and ditch, location and description of land benefited, amounts of current and delinquent installments, and total delinquency. Arr. by dates of receipts. Hdw. 400 pp. 14 x 12 x 2. Treas. off.

DELINQUENTS

313. MORATORIUM TAX DUPLICATE, 1933-. 38 vols.

Record of real and personal property on which payment of taxes has been deferred by moratorium, showing name of taxpayer, location and description of property, amount of delinquent tax and interest, dates payable, and volume and page reference to Tax Duplicates, entry 303. Arr. by taxing units, thereunder

alph. by names of taxpayers. Hdw. 100 pp. 18 x 14 x 2. Treas. off.

314. COUNTY TREASURER'S DELINQUENTS, 1930-35. 2 boxes. Delinquent tax statements, showing tax duplicate number, name of taxpayer, description and location of property, and amount of tax due. Arr. by taxing units, thereunder by duplicate nos. Hdw. 9 x 11 x 24. Treas. stor. rm., bsmt.

RECEIPTS AND DISBURSEMENTS

315. DAILY BALANCES, 1928-. 4 vols.

Record of daily balances of cash on hand and in depositories, showing date of balance, amount of previous balance, receipts for day, amounts deposited and withdrawn, warrant numbers, balance of cash on hand and in depositories, and total current balance. Arr. by dates of balances. Hdw. 450 pp. 14 x 10 x 2. Treas. off.

316. MONTHLY AND ANNUAL BALANCES, 1928-. 1 vol.

Record of monthly and annual cash balances, showing date of balance, name of fund, amounts received and disbursed, and balance or overdraft. Arr. by dates of balances. Hdw. 100 pp. 24 x 20 x 1. Treas. off.

317. RECORD OF RECEIPTS AND DISBURSEMENTS, 1926-. 4 vols.

Record of all receipts and disbursements, showing date, amount, and nature of receipt or disbursement, receipt or warrant numbers, and names of fund and payer or payee. Arr. by dates of receipts or disbursements. Hdw. 125 pp. 14 x 10 x 1. Treas. off.

318. REGISTER OF WARRANTS BY DEPOSITORY, 1929-. 17 vols.

Record of warrants drawn on depositories for disbursement of county fines, showing date, amount, number and purpose of warrant, date redeemed, and names of depository and fund debited. Arr. by dates of warrants. Hdw. 350 pp. 16 x 12 x 2½. 12 vols., 1929-34, treas. stor. rm., bsmt.; 5 vols., 1935-, treas. off.

319. REGISTER OF WARRANTS AND RECEIPTS, 1933-. 1 vol.

Register of auditor's warrants issued to treasurer and payees' receipts thereon, showing number, date, amount and purpose of warrant, name of payee, and number of receipt. Arr. by dates of warrants. Hdw. 750 pp. 16 x 12 x 3. Treas. off.

320. COUNTY TREASURER'S CHECK AND DEPOSIT SLIPS, 1928-34.

12 file boxes.

Duplicate deposit slips and cancelled checks drawn on various depositories, showing date and amount of check and deposit

slip, number and purpose of check, and names of payee and depository. Deposit slips, arr. by dates of deposits; checks, by check nos. Condition fair. Hdw. 10 x 5 x 14. Treas. stor. rm., bsmt.

321. CANCELLED CHECKS PUBLIC LIBRARY, 1930-. 7 file boxes. Cancelled checks issued to pay operating expenses of public library, showing date, amount and purpose of check, name of payee, and date cancelled. Arr. by dates of checks. Hdw. 10 x 5 x 14. Treas. off.

322. REPORTS, 1919-. 1 carton, 4 file boxes. Duplicate reports to county commissioners of financial status of county funds, showing date of report, names of depository and fund, amounts of deposits and warrants, and balance. Arr. by dates of reports. Hdw. Carton, 12 x 12 x 26, file boxes, 10 x 5 x 14. 1 carton 1919-32, treas. stor. rm., bsmt.; 4 file boxes, 1933-, treas. off.

MAPS

323. VANDERBURGH COUNTY, 1908. 1 map. Communication map of Vanderburgh County, showing locations of railways and main highways in county. Drawn by J. W. Davidson, Evansville. Colored. Scale: 3½" to 1 mi. 48 x 72. Treas. off.

XVII. AUDITOR

The auditor is a constitutional officer, elected for a four-year term by the voters of the county. No person is eligible to hold such office for more than eight years in any period of twelve years.¹ He is required to post bond in the amount of \$10,000 approved by and filed with the board of commissioners.²

The office of auditor was first established in Vanderburgh County in 1841, under the authority of an act of that year. Until the adoption of the Constitution of 1851, the auditor was a statutory officer elected by the voters of the county for a five-year term.³ The creation of this office was

¹ Const., art. 6, sec. 2. 1 Rev. Stat. 1852; Burns 49-3001; Baldwin 5415.

² Acts 1889; Burns 49-3003; Baldwin 5417.

³ Acts 1840-41 (general), ch. 2, sec. 1.

designed to relieve clerks of the circuit court of duties relative to the receipt and disbursement of county funds.⁴

The auditor is the financial agent of the county; and the routine administration of county affairs centers in his office, through which all financial transactions are conducted.

The auditor keeps the accounts of the county and issues warrants for all claims allowed by the board of commissioners or courts⁵ or otherwise as statutes provide.⁶ He is ex officio clerk of the board of commissioners,⁷ the county council,⁸ and the board of tax adjustment,⁹ and secretary of the board of finance.¹⁰ He is also a member and secretary of the board of review¹¹ and a member of the school fund board.¹² He compiles budget estimates made by the county officers and boards; keeps them on file for one month, subject to inspection by any taxpayer; and submits them with his recommendations to the county council at its annual meeting.¹³ He prepares the official tax duplicates and abstracts,¹⁴ and certifies to the treasurer the amount of taxes due from banks.¹⁵ If the board of tax adjustment fails to complete its duties on time or to reduce the rate to the legal maximum, he fixes the tax rate within any municipal corporation in the county.¹⁶

The auditor manages the common school and the congressional township school funds, with the exception of making loans;¹⁷ prepares the ditch duplicate, showing assessments for construction or repair of ditches and drains;¹⁸ issues licenses to peddlers, shows, and theaters,¹⁹ and permits for public

⁴ *Ibid.*, secs. 8, 53, 54.

⁵ Acts 1937; Burns 26-809; Baldwin 5257.

⁶ 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419.

⁷ 1 Rev. Stat. 1852; Burns 49-3004; Baldwin 5418.

⁸ Acts 1899; Burns 26-509; Baldwin 5373.

⁹ Acts 1937; Burns, 1938 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

¹⁰ Acts 1937; Burns, 1938 suppl., 61-629; Baldwin, 1937 suppl., 13844-50.

¹¹ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

¹² Acts 1865, 1935; Burns, 1938 suppl., 28-209; Baldwin, 1935 suppl., 6558.

¹³ Acts 1899; Burns 26-520; Baldwin 5384.

¹⁴ Acts 1919; Burns 64-1403, 64-1408; Baldwin 15740, 15745.

¹⁵ Acts 1933; Burns 64-810; Baldwin 15591.

¹⁶ Acts 1937; Burns, 1938 suppl., 64-314; Baldwin, 1937 suppl., 15897-8.

¹⁷ Acts 1865; Burns 28-105; Baldwin 6511. Acts 1865, 1935; Burns, 1938 suppl., 28-209;

Baldwin, 1935 suppl., 6558.

¹⁸ Acts 1933; Burns 27-134; Baldwin 5770.

¹⁹ 1 Rev. Stat. 1852; Burns 42-204; Baldwin 10447. Acts 1917, 1937; Burns, 1938 suppl., 42-201; Baldwin, 1937 suppl., 10443.

warehouses;²⁰ and approves the official bonds of township trustees.²¹

The auditor keeps records of all the financial transactions of his office in fee books, cashbooks,²² and warrant books,²³ and in such separate books as are prescribed by statute. He is required to keep separate accounts for each specific item of appropriation by the county council²⁴ and an accurate account current, with the treasurer, of county funds.²⁵ He also keeps, for taxation purposes, a transfer book, arranged by townships, cities, and towns, of all land conveyances in the county.²⁶ He keeps the records of all the boards of which he is clerk or secretary and must preserve the documents, books, papers, and maps deposited in his office.²⁷

The auditor's office must be kept at the county seat, open for the transaction of business at all times during business hours.²⁸

AUDITS AND REPORTS

324. FIELD EXAMINERS REPORTS ON COUNTY OFFICIALS, 1931-. 2 file boxes.

Reports of audits of county offices by field examiners of state board of accounts, showing dates of report and audit, names of office and official, and complete statement of office accounts. Arr. by dates of reports. Hdw. 10 x 5 x 14. Aud. off.

325. FORFEITURES AND FEES, 1899-. 4 file boxes.

Clerk's quarterly reports of all fees and forfeitures collected on court actions, showing date of report, name of court, cause number, kind and amount of collections, and total collections. Arr. by dates of reports. Typed. 10 x 5 x 14. Aud. off.

²⁰ Acts 1875, 1879 (Spec. Sess.); Burns 67-201; Baldwin 16206.

²¹ Acts 1915; Burns 65-103; Baldwin 16061.

²² Acts 1895; Burns 49-1401; Baldwin 7576.

²³ 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419.

²⁴ Acts 1899; Burns 26-523; Baldwin 5387.

²⁵ 1 Rev. Stat. 1852; Burns 49-3010; Baldwin 5423.

²⁶ Acts 1919; Burns 64-1409; Baldwin 15746.

²⁷ 1 Rev. Stat. 1852; Burns 49-3004; Baldwin 5418.

²⁸ 1 Rev. Stat. 1852; Burns 49-3002; Baldwin 5416.

326. MONTHLY REPORT OF COUNTY TREASURER, 1918-. 7 file boxes.

Monthly financial reports and recapitulation of business transacted, showing date of report, itemized amount of revenue collected, warrants outstanding, cash on hand and in depositories, and total balance. Arr. by dates of reports. Hdw. 10 x 5 x 14. Aud. off.

327. INHERITANCE TAX REPORTS, 1934-. 2 file boxes.

Orders determining value of estates and amount of inheritance tax, showing dates of payment and report, names of estate and heirs, cause and receipt numbers, and amounts of inheritance and tax. Arr. by dates of reports. Typed. 10 x 5 x 14. Aud. off.

For other inheritance tax records, see entries 125, 230, 306-08.

328. MONTHLY TAX REPORTS OF BANKS, 1935-. 2 file boxes.

Monthly reports of intangible tax payments by financial institutions, showing dates of payment and report, number and amount of receipt, name of institution, and amounts of capital stock, undivided profits, deposits and tax. Arr. by dates of reports. Typed. 10 x 5 x 14. Aud. off.

For other intangible tax records, see entries 282, 309.

329. TOWNSHIP TRUSTEES ANNUAL REPORTS, 1930-. 5 bdls. Auditor's copies of trustee's annual reports to advisory board, showing date of report, amount and purpose of receipts and disbursements, name of payee or payer, total receipts and disbursements, and balance. Arr. by dates of reports. Hdw. 10 x 5 x 14. 3 bdls., 1930-35, treas. stor. rm., bsmt.; 1 bdl., 1936, aud. stor. rm., bsmt.; 1 bdl., 1937-, aud. off.

330. TOWNSHIP TRUSTEES VOUCHERS, 1927-. 1 carton, 3 file boxes.

Vouchers issued by trustees for township expenses, showing date, amount, number and purpose of voucher, and names of township, payee and fund. Arr. by dates of vouchers. Hdw. Carton, 4 x 10 x 14; file boxes, 10 x 5 x 14. 1 carton, 1927-30, clk. stor. rm., bsmt.; 1 file box, 1931-36, aud. stor. rm., bsmt.; 2 file boxes, 1937-, aud. off.

331. DOG TAX RECEIPTS, 1931-. 1 file box.

Copies of audited dog tax receipts issued by township assessor, showing date and amount of receipt, description of dog, and names of taxing unit and owner. Arr. by taxing units, thereunder by dates of receipts. Hdw. 10 x 5 x 14. Aud. off.

RECEIPTS AND DISBURSEMENTS

GENERAL FUNDS

332. MONTHLY BALANCES OF AUDITOR OF VANDERBURGH COUNTY, 1912-. 5 vols. (1-5).

Record of monthly balances of receipts and disbursements, showing date of balance, amounts of previous balance and current receipts and disbursements, names of payee or payer and fund debited or credited, and current balance. Arr. by dates of balances. Hdw. 75 pp. 20 x 16 x 1. 4 vols., 1912-27, aud. stor. rm., bsmt.; 1 vol., 1928-, aud. off.

333. AUDITOR'S FEE AND CASH BOOK, 1929-. 3 vols. (7-9). Record of fees and cash received, showing date and amount of receipt, name of payer, and purpose of payment. Arr. by dates of receipts. Hdw. 400 pp. 17 x 8 x 2. Aud. off.

334. RECORD OF RECEIPTS, APPROPRIATIONS, AND DISBURSEMENTS, 1926-. 14 vols.

Record of appropriations for county expenses and disbursements therefrom, showing amount appropriated, date, amount and purpose of disbursement, names of payee and fund, and warrant number. Arr. by dates of disbursements. Hdw. 125 pp. 16 x 12 x 1½. 5 vols., 1926-30, aud. stor. rm., bsmt.; 9 vols., 1931-, aud. off.

335. AUDITOR'S REGISTER OF RECEIPTS, 1911-. 2 vols.

Register of all county revenue received, showing date, amount and source of receipt, and name of fund debited. Arr. by dates of receipts. Hdw. 241 pp. 16 x 8 x 2½. 1 vol., 1911-21, aud. stor. rm., bsmt.; 1 vol., 1922-, aud. off.

336. RECORD OF WARRANTS, 1924-. 37 vols.

Record of warrants issued for disbursement of county funds, showing date, number and amount of warrant, names of payee and fund, and purpose of payment. Arr. by warrant nos. Hdw. 600 pp. 20 x 22 x 8. 22 vols., 1924-Mar. 1935, aud. stor. rm., bsmt.; 15 vols., Apr. 1935-, aud. off.,

337. COUNTY WARRANTS, 1929-. 43 file boxes.

Redeemed warrants for disbursements of county funds, showing date, number, amount and purpose of warrant, appropriation number, and names of payee and fund. Arr. by dates of warrants. Hdw. 10 x 5 x 14. 29 file boxes, 1929-Jan. 1936, aud. stor. rm., bsmt.; 14 file boxes, Feb. 1936-, aud. off.

338. WARRANTS, 1931-36. 1 file box.

Warrants drawn against funds appropriated for payment of old-age pensions, showing date, amount, and number of warrant,

and name of payee. Arr. by dates of warrants. Hdw. 10 x 5 x 14. Aud. off.

For other old-age pension records, see entries 127, 128, 420-31.

339. SETTLEMENT SHEETS, 1915-. 4 file boxes.

Settlement sheets for distribution of tax revenue among various taxing units, showing date of settlement, names of taxing unit and fund, and kind and amount of taxes collected, delinquent and apportioned. Arr. by dates of settlements. Hdw. 10 x 5 x 14. 3 file boxes, 1915-36, aud. stor. rm., bsmt.; 1 file box, 1937-, aud. off.

340. CERTIFICATES OF DISTRIBUTION, 1934-. 1 vol.

Record of warrants issued in semiannual distribution of tax collections, showing date, amount and number of warrant, and name of taxing unit. Arr. by dates of warrants. Typed. 150 pp. 16 x 14 x 1. Aud. off.

341. MISCELLANEOUS RECORD, 1886-. 3 vols.

Record of apportionment of all revenue to various taxing units and funds, showing date of settlement, names of taxing units and funds, amounts of tax distributed and delinquent, and total distribution. Arr. by dates of settlements. Hdw. 400 pp. 18 x 12 x 2. 2 vols., 1886-1926, aud. stor. rm., bsmt.; 1 vol., 1927-, aud. off.

342. COURT ALLOWANCES, 1933-. 3 file boxes.

Claims for expenses incurred by court during sessions, showing date, amount and nature of claim, and names of court and claimant. Arr. by dates of claims. Hdw. 10 x 5 x 14. Aud. off.

343. CHANGE OF VENUE, 1928-. 2 file boxes.

Statements of costs in venued causes, showing dates of venue and statement, number and nature of cause, names of plaintiff and defendant, and amount of costs. Arr. by dates of statements. Hdw. 5 x 4 x 10. Aud. off.

For other change of venue records, see entry 169.

344. REGISTER OF CORONER'S WITNESS FEES, 1922-. 1 vol.

Record of fees paid witnesses in coroner's inquests, showing date and number of inquest, names of witnesses, and amount of fee. Arr. alph. by names of witnesses. Hdw. 250 pp. 16 x 10 x 3. Aud. off.

For other coroner's records, see entries 276, 277.

345. CERTIFICATES OF SHERIFF'S ALLOWANCE, 1931-. 2 file boxes.

Certificates of court allowances for transportation of prisoners from county jail to penal institutions, showing date and amount of certificate, cause number, and names of prisoner and

institution. Arr. by dates of certificates. Hdw. 10 x 5 x 14. Aud. off.

346. TREASURER'S RECEIPTS, 1935-. 2 file boxes.

Receipts from treasurer for quietuses issued by auditor, showing date, amount and number of receipt, names of payer and fund, and purpose of payment. Arr. by dates of receipts. Hdw. 5 x 4 x 10. Aud. off.

347. RECORD OF QUIETUS, 1929-. 1 vol.

Stubs of quietuses issued, showing date, number and amount of quietus, and names of payer and fund debited. Arr. by quietus nos. Hdw. 600 pp. 14 x 10 x 4. Aud. off.

ROAD AND DITCH FUNDS

348. PUBLIC IMPROVEMENT RECORD, 1922-. 1 vol.

Records of expenditures for public improvements, showing names of township, project and contractor, amount and number of contract, kind and amount of claim, date, number and amount of warrant, and balance due on contract. Arr. by twps., thereunder alph. by names of projects. Hdw. 100 pp. 12 x 14 x 1½. Aud. off.

349. GRAVEL ROAD RECORDS, 1911-. 18 vols. (1-18).

Record of receipts and expenditures for maintenance of gravel roads, showing amount of appropriation, names of road and payee, class of work performed, kind and amount of material used, costs of material and labor, and amount and number of warrant. Arr. alph. by names of roads, thereunder by warrant nos. Hdw. 512 pp. 16 x 12 x 3. 16 vols., 1911-Mar. 1932, aud. stor. rm., bsmt.; 2 vols., July 1932-, aud. off.

350. DITCH RECORDS, 1931-. 3 file boxes.

Stubs of certificates issued to treasurer certifying contractors' rights to assessments collected for cleaning ditches, showing date of certificate, names of ditch and contractor, and amount of assessment due. Arr. by dates of certificates. Hdw. 10 x 5 x 14. Aud. off.

POOR FUNDS

351. AUDITOR'S POOR FUND REGISTER, 1935-. 1 vol.

Record of poor fund claims and allowances, showing date, amount and kind of claim, name of vendor, amount allowed from federal fund, and date of payment. Arr. by dates of claims. Typed. 100 pp. 16 x 16 x 1½. Aud. off.

352. AUDITOR'S REPORTS ON POOR RELIEF OF VARIOUS TOWNSHIPS, 1931-. 1 file box.

Periodic reports to state auditor on condition of township poor

funds, showing date of report, period covered, names of township and fund, previous balance, amount of receipts and expenditures, and current balance. Arr. by dates of reports. Hdw. 10 x 5 x 14. Aud. off.

353. INVESTIGATORS' REPORTS ON POOR RELIEF, 1931-. 1 file box.

Reports of investigators on poor relief applications in various townships, showing names of township and applicant, dates of application, investigation and report, and age, address, color, sex, marital status and financial condition of applicant, and names of dependants. Arr. by dates of reports. Hdw. 10 x 5 x 14. Aud. off.

354. CANCELLED WARRANTS, 1929-. 113 file boxes.

Cancelled warrants drawn on treasurer for payment of poor relief claims, showing date, number and amount of warrant, nature and number of claim, and name of claimant. Arr. by warrant nos. Hdw. 10 x 5 x 14. 35 file boxes, 1929-34, aud. stor. rm., bsmt.; 78 file boxes, 1935-, aud. off.

TAXES

APPRAISEMENTS

355. REAL ESTATE TRANSFERS, 1919-. 9 vols.

Record of real estate transfer, showing dates of deed and transfer, location and description of land, and names of grantor and grantee. Arr. alph. by names of grantors. Hdw. 250 pp. 18 x 12 x 2. Aud. off.

356. AFFIDAVITS FOR TRANSFER OF REAL ESTATE, 1931-. 3 file boxes.

Original affidavits of transfer of property of estates to establish liability for taxes, showing dates of affidavit and decedent's death, names of affiant and decedent, relationship of affiant, description and location of real estate, and volume and page reference to Record of Wills, entry 206. Arr. by dates of affidavits. Hdw. and typed. 10 x 5 x 14. Aud. off.

RETURNS

357. CORPORATION ASSESSMENTS, 1933-. 3 file boxes.

Statements of domestic corporations of all holdings in county, showing date of statement, name of corporation, location and description of property, market value of preferred and common stock, present value of all buildings, machinery, equipment, furniture, fixtures, merchandise and supplies, gross receipts for year, and copy of balance sheet. Arr. by dates of statements. Hdw. 10 x 5 x 14. Aud. off.

ASSESSMENT LISTS

358. ASSESSOR'S BOOK, 1908-. 547 vols.

Record of all property subject to taxation, showing names of taxing unit and property owner, location and description of property, assessed valuation, number of polls, and deductions account mortgage exemptions. Arr. by taxing units, thereunder alph. by names of property owners. Hdw. Condition fair. 150 pp. 20 x 14 x 2. Assr. off.

359. ASSESSMENTS PERSONAL SCHEDULE, 1911-. 770 vols.

Schedule of assessments for taxation of personal property, showing date of assessment, name, age and occupation of taxpayer, name of taxing unit, itemized list and valuation of property, and total assessed valuation. Arr. by taxing units, thereunder alph. by names of taxpayers. Hdw. 300 pp. 12 x 20 x 1. Assr. off.

360. NOTICE OF ASSESSMENT OF REAL ESTATE AND IMPROVEMENTS, 1925-33. 1 carton.

Schedules of assessments of real estate and improvements, showing date of filing, names of owner and assessor, and location, description and valuation of real estate and improvements. Arr. chron. by dates of filing. No index. Hdw. 14 x 12 x 19. Aud. stor. rm., bsmt.

EXEMPTIONS

361. AFFIDAVITS OF MORTGAGE INDEBTEDNESS, 1932-. 217 vols., 9 file boxes.

Affidavits of mortgage indebtedness by parties seeking mortgage exemptions, showing dates of mortgage and affidavit, names of mortgagor and mortgagee, location and description of property, and amount of mortgage. Arr. by dates of affidavits. Hdw. Vols., 250 pp. 6 x 8 x 1½; file boxes, 10 x 5 x 14. 217 vols., 1932-35, aud. stor. rm., bsmt.; 9 file boxes, 1936-, dep. aud. off.

362. AFFIDAVITS FOR SOLDIER'S EXEMPTIONS, 1934-. 8 vols.

Record of affidavits of veterans and widows for tax exemptions, showing date of affidavit, certificate number, names of taxing unit and soldier or widow, length of service, amount of exemption, and description and valuation of property. Arr. by taxing units, thereunder alph. by names of soldiers. Hdw. 150 pp. 8 x 10 x 1. Aud. off.

For other military records, see entries 21, 22, 72, 111.

363. RECORD OF FOREST RESERVATION, 1901-. 1 vol.

Record of lands set aside as forest reservations, showing date of recording, name of owner, and location and description of property. Indexed alph. by names of owners. Hdw. 220 pp. 18 x 12 x 1. Aud. off.

DELINQUENT AND ERRONEOUS

364. RECORD OF LANDS AND LOTS RETURNED DELINQUENT FOR TAXES, 1906-. 5 vols. (12-16).

Record of lands and lots returned delinquent for nonpayment of taxes, showing date of delinquency, names of taxing unit, town and property owners, location and description of property, and total amount of taxes due. Arr. by taxing units, thereunder alph. by names of property owners. Hdw. 300 pp. 18 x 12 x 2½. Aud. off.

365. DELINQUENT TAX SALES REGISTER, 1880-. 3 vols.

Record of property sold for nonpayment of taxes, showing date and amount of sale, tax duplicate and sales certificate numbers, names of taxing unit, owner and purchaser, location and description of property, and redemption date. Arr. by taxing units, thereunder alph. by names of owners. Hdw. Condition poor. 500 pp. 12 x 12 x 3. 1 vol., 1880-Feb. 1897, aud. stor. rm., bsmt.; 2 vols., Mar. 1897-, aud. off.

366. TREASURER'S TAX RECEIPT SALE, 1900-1930, 1936-. 4 file boxes.

Duplicate receipts for payment of property sold for taxes, showing date and amount of receipt, location and description of property, date of tax sale notice, and names of owner and purchaser. Arr. by dates of receipts. Hdw. 10 x 5 x 14. 2 file boxes, 1900-1914, aud. stor. rm., bsmt.; 2 file boxes, 1915-30, 1936-, aud. off.

367. TAX CERTIFICATE, 1936-. 1 file box.

Certificates of property sold for delinquent taxes, showing date and number of certificate, assignment number, date, amount and place of sale, description and location of property, and names of owner and purchaser. Arr. by dates of certificates. Hdw. 10 x 5 x 14. Aud. off.

368. TAX CERTIFICATES FILED FOR DEEDS, 1900-. 10 file boxes.

Duplicate tax sale certificates for property sold for taxes, showing date, number and amount of certificate, names of owner and purchaser, and description and location of property. Arr. by dates of certificates. Hdw. 10 x 5 x 14. 4 file boxes, 1900-1926, aud. stor. rm., bsmt.; 6 file boxes, 1927-, aud. off.

369. CERTIFICATE OF REDEMPTION OF TAX SALES, 1911-. 1 vol.

Stubs of tax sale redemption certificates, showing dates of sale and redemption, dates and numbers of tax duplicate, sale receipt and certificate, names of purchaser and owner or redeemer, description and location of property, amounts of sale

and penalty, and total amount paid. Arr. by dates of certificates. Hdw. 600 pp. 18 x 12 x 2. Aud. off.

370. RECORD OF CORRECTIONS, 1924-. 4 vols.

Copies of auditor's certificates of errors authorizing treasurer to correct tax duplicates, showing date of certificate, numbers of certificate and tax duplicate, name of property owner, location and description of property, and amount of error. Arr. by certificate nos. Hdw. 300 pp. 13 x 12 x 3. 1 vol., 1924-32, aud. stor. rm., bsmt.; 3 vols., 1933-, aud. off.

PLATS

(See also entries 95, 96)

371. PLATS, not dated. 8 vols. (1, 2, and 6 vols. not numbered).

Plats of lands and lots in county, showing location and description of property, and names of plats and owners. Indexed alph. by names of owners; for separate index, see entry 372. Hdw. 200 pp. 20 x 12 x 2½. Assr. off.

372. INDEX TO PLATS, not dated. 1 vol.

General index to Plats, entry 371, showing name of owner and volume and page reference to recording. Arr. alph. by names of owners. Typed. 50 pp. 8 x 6 x 1. Assr. off.

SCHOOL FUNDS

373. INVENTORY OF TRUST OR SCHOOL FUNDS, 1898-. 3 vols. Record of financial condition of trust and school funds, showing date of inventory, number, amount and maturity date of loan, amount of forfeited lands, and balance in fund. Arr. by dates of inventories. Hdw. 104 pp. 16 x 16 x ½. 2 vols., 1898-1928, aud. stor. rm., bsmt.; 1 vol., 1929-, aud. off.

374. REGISTER OF SCHOOL FUND LOANS, 1907-. 4 vols.

Reccord of property mortgaged to secure school fund loans, showing date and amount of mortgage, name and address of mortgagor, location, description and assessed valuation of property, valuation of improvements, and volume and page reference to School Fund Mortgage Record, entry 99. Arr. alph. by names of mortgagors. Hdw. 200 pp. 18 x 10 x 2. Aud. off.

375. APPLICATIONS TO PAY, 1936-. 1 vol.

Record of applications to pay funds into county treasury, showing date, amount and number of application, names of payer and fund, and receipt number. Arr. by application nos. Hdw. 500 pp. 18 x 12 x 4. Aud. off.

OFFICIAL BONDS

(See also entries 40-45)

376. OFFICIAL BONDS, 1930-. 1 file box.

Bonds posted by county officials as security for performance of duties, showing date, amount, conditions and term of bond, and names of office, official and sureties. Arr. by dates of bonds. Hdw. and typed. 5 x 5 x 10. Aud. off.

377. BONDS OF PUBLIC OFFICIALS, 1931-. 3 file boxes.

Original bonds posted by township and county officials, showing date, amount, term and conditions of bond, and names of official and sureties. Arr. by dates of bonds. Hdw. 10 x 5 x 14. Aud. off.

MISCELLANEOUS

378. ASSESSORS APPOINTMENTS, 1935-. 1 file box.

Certificates of appointments of deputy assessors, showing date of appointment, name of taxing unit, district or township, name and address of appointee, and approval of auditor. Arr. by dates of appointments. Hdw. 10 x 5 x 14. Aud. off.

379. APPLICATION FOR FERRY LICENSES, 1931-. 5 file boxes.

Applications for ferry licenses, showing dates of application and approval, names of applicant and waterway, points of operation, and amount of bond. Arr. by dates of applications. Hdw. 10 x 5 x 14. Aud. off.

380. ENUMERATION OF WHITE AND COLORED MALES OVER AGE OF 21, 1931, 1937. 21 vols.

Sexennial enumeration of white and colored males over age of 21 years, showing name, age, address and color of male, and name of township. Arr. alph. by twps. Hdw. 75 pp. 14 x 8 x 1. Aud. stor. rm., bsmt.

MAPS

381. CITY OF EVANSVILLE, 1914. 1 map.

Political and communication map of Evansville, showing location of city boundaries and block divisions and names of streets. Drawn by Jules E. T. Ehlers. Colored. Scale: 1" to 500'. 48 x 72. Aud. off.

XVIII. REGISTRATION OFFICER

The clerk of the circuit court serves, *ex officio*, as the registration officer of Vanderburgh County, by authority of an act of 1933.¹

The Constitution of 1851 prescribes the qualifications of voters,² and an amendment of 1881 enjoined the general assembly to provide for the registration of all persons entitled to vote.³ Various laws for registration have been enacted: An act of 1867, establishing a township board of registry, consisting of two freeholders and the township trustee,⁴ was repealed in 1869;⁵ acts of 1889⁶ and 1891,⁷ providing for registration in the office of the clerk of the circuit court, were declared unconstitutional in 1890⁸ and 1896,⁹ respectively; an act of 1911, providing for a precinct registration board,¹⁰ was repealed in 1917;¹¹ a law of that year created a board of registration commissioners, generally called the registration board and consisting of the clerk of the circuit court and two qualified electors appointed by him, one from each of the major political parties;¹² this legislation was repealed in 1919¹³ and the county board was succeeded by precinct boards, consisting of two registration clerks for each precinct, under an act of that year;¹⁴ an act of 1925 created a registration board, consisting of the auditor and a person of opposite political faith, appointed by him;¹⁵ in 1927, the 1919 act and all subsequent acts were repealed.¹⁶ Until

¹ Acts 1933, 1935; Burns, 1938 suppl., 29-306; Baldwin, 1935 suppl., 7304.

² Const., art. 2, sec. 2.

³ Const., art. 2, sec. 14.

⁴ Acts 1867, ch. 51, sec. 2.

⁵ Acts 1869 (Spec. Sess.), ch. 31, sec. 1.

⁶ Acts 1889, ch. 87, sec. 13.

⁷ Acts 1891, ch. 144, sec. 1.

⁸ 125 Ind. 281.

⁹ 144 Ind. 423.

¹⁰ Acts 1911, ch. 150, sec. 3.

¹¹ Acts 1917, ch. 139, sec. 47.

¹² *Ibid.*, sec. 4.

¹³ Acts 1919, ch. 150, sec. 1.

¹⁴ *Ibid.*, ch. 186, sec. 4.

¹⁵ Acts 1925, ch. 138, sec. 1.

¹⁶ Acts 1927, ch. 195, sec. 1.

the present system was established by an act of 1933 (amended in 1935), there was no system of registration.¹⁷

Registration of all voters is a requirement for voting at all general, primary, and special elections in which all qualified voters of the state may participate and must be made 29 days prior to general and primary elections.¹⁸ The registration officer has full charge and control of the registration of the voters and provides all the necessary books and supplies.¹⁹

The official registration books consist of the original affidavits of registration, fastened in binders,²⁰ and constitute a permanent registration record.²¹ Voters need not register again, so long as they continue to reside in the same county, but failure to vote in any two-year period automatically cancels the elector's registration. In such case, the clerk of the circuit court shall notify by mail each such voter of his suspension.²² If the registration books of any precinct are found by the board of commissioners to have been destroyed, mutilated, inaccessible or unfit for use, there shall be a reregistration of all voters of that precinct.²³

The expense of the preparation of registration is paid out of the general fund of the county treasury, authorized by the county commissioners, in the same manner as election expenses are paid and the expenses of preparing lists of registered voters for use in city elections are paid by the city.²⁴

All forms, blanks, records, and other supplies used in the registration of voters are prescribed by the state board of election commissioners for the purpose of uniformity in the registration records of the state.²⁵

¹⁷ Acts 1933, 1935; Burns, 1938 suppl., 29-306; Baldwin, 1935 suppl., 7304.

¹⁸ Acts 1933; Burns 29-301, 29-307; Baldwin 7299, 7305. Acts 1933, 1935; Burns, 1938 suppl., 29-336; Baldwin, 1935 suppl., 7334.

¹⁹ Acts 1933; Burns 29-309; Baldwin 7307. Acts 1933, 1935; Burns, 1938 suppl., 29-306; Baldwin, 1935 suppl., 7304.

²⁰ Acts 1933; Burns 29-313, 29-316; Baldwin 7311, 7314.

²¹ Acts 1933; Burns 29-302; Baldwin 7300.

²² Acts 1933; Burns 29-303, 29-320; Baldwin 7301, 7318.

²³ Acts 1933; Burns 29-304; Baldwin 7302.

²⁴ Acts 1933; Burns 29-305; Baldwin 7303.

²⁵ Acts 1933; Burns 29-334; Baldwin 7332.

382. REGISTER OF VOTERS, 1936-. 83 vols. (1-83).

Record of qualified voters in county, showing date of registration, name, address, age and date and place of birth of voter, and ward and precinct numbers. Arr. alph. by names of voters. Hdw. 400 pp. 8 x 12 x 6. Reg. offr. off.

383. MASTER FILE, 1936-. 1 vol.

Register of all voters in county, showing name, residence and political affiliation of voter, ward and precinct numbers, and name of registration officer. Arr. by precinct nos. Hdw. and typed. 600 pp. 16 x 12 x 4. Reg. offr. off.

384. RECORD OF ABSENT VOTERS' BALLOTS, 1922-. 3 vols.

Record of votes cast by absent voters, showing name and address of voter, name of township, ward and precinct numbers, and dates of mailing and receipt of ballot. Arr. by precinct nos., thereunder alph. by names of voters. Hdw. 250 pp. 18 x 14 x 2½. 1 vol., 1922-25, clk. stor. rm., bsmt.; 2 vols., 1926-, clk. rec. rm.

385. NOTICE OF INTENTION TO BECOME A QUALIFIED VOTER, 1889-1900. 2 file boxes.

Register of citizens declaring intention to vote in coming elections, showing name, residence and date and place of birth of voter, ward and precinct numbers, date of registration, and names of witnesses. Arr. by dates of registrations. Hdw. 10 x 5 x 14. Clk. stor. rm., bsmt.

386. NOTICE OF INTENTION TO HOLD RESIDENCE, 1890-1900. 2 file boxes.

Notices of persons whose duties require their absence but who retain their residences as legal voting places, showing date of notice, name and address of voter, and numbers of precinct and ward. Arr. by dates of notices. Hdw. 10 x 5 x 14. Clk. stor. rm., bsmt.

XIX. BOARD OF PRIMARY ELECTION COMMISSIONERS

The board of primary election commissioners of Vanderburgh County was established by acts of 1907¹ and 1915, and subsequent amendatory acts. The members are the clerk of the circuit court and two persons appointed by him, one from each of the two major political parties, nominated by the respective chairmen of the county committees of the parties. The primary

¹ Acts 1907, ch. 282, secs. 1, 13.

election commissioners serve as election commissioners at the election for which nominations by the primary are made.²

Prior to 1907, nominations had been strictly a party affair. At first, candidates were proposed by a mass meeting, or by an informed caucus which might be a meeting, either of all the voters of the party in the precinct (township) or of party members interested sufficiently to attend (county and state). Out of the latter developed the party convention—an assembly of official delegates; these delegates were chosen by party officials such as precinct committeemen or county or district chairmen, as the case might be.³

Indiana was one of the first states to adopt the primary election as a means of choosing candidates. The law of 1889, which instituted the Australian ballot system, recognized the right of the party to hold a primary, which was under the control of the chairman who certified the names of the nominees to the county board of election commissioners.⁴

An act of 1901, mandatory upon all parties casting ten percent of the total vote at the preceding general election, provided for the organization of political parties and the holding of two primary elections: One for precinct committeemen and one for direct nomination of candidates or for election of delegates to a nominating convention. The precinct committeemen, elected at the first primary, determined whether the party candidates should be nominated at a primary election or by a delegate convention. If a primary election was decided upon, the party chairman fixed the date and turned over the names of candidates, proposed by petition, to the county board of election commissioners which prepared the primary ballot. Returns were made to the party board of primary election commissioners which declared the nominees of the party, and the chairman certified their names to the county board of election commissioners.⁵

The act of 1907 prescribed a compulsory direct primary election, under the supervision of a county board of primary election commissioners, for the nomination of party candidates for all county and township offices. This board consisted of the same membership as at present and its members acted as

² Acts 1915, 1917; Burns 29-504; Baldwin 7190.

³ Alma Sickler Bender, *Why Go Back? ... from the Direct Primary to the Convention System* ... , 21.

⁴ Acts 1889, ch. 87, secs. 17, 18, 26.

⁵ Acts 1901, ch. 219, secs. 1-4, 6-11.

election commissioners at the general election. This primary election included all parties casting a ten percent vote as in 1901, and was conducted by bipartisan precinct election boards paid from county funds.⁶

The present primary law incorporates both the nomination of candidates and the election of precinct committeemen and convention delegates in one primary election held at the same time and place and is mandatory on all political parties casting ten percent of the total vote for secretary of state at the last preceding general election.⁷ The board of primary election commissioners of Vanderburgh County supervises primary elections: It prints and distributes the ballots,⁸ appoints the precinct election boards upon nomination by the county chairman of the two major political parties,⁹ and arranges the names of the candidates on the ballots.¹⁰ At all primaries the Australian ballot is used, made up of the tickets of the several parties qualified for participation in the election, each party having a separate ticket printed on different colored paper, uniform in size.¹¹ Declarations of candidacy are filed with or certified to the clerk of the circuit court, who is a member of the board.¹² All expenses of the primary are paid from public funds.¹³ Candidates of the major political parties for all offices—including city, since 1933—except those to be voted upon by all the electors of the state, are nominated at the primary.¹⁴ The statutes governing general elections apply to all primaries.¹⁵

Papers of primary election matters are filed in the office of the clerk of the circuit court (a member of the board of primary election commissioners); they are usually destroyed after a reasonable time.

⁶ Acts 1907, ch. 282, secs. 1, 2, 6, 10-15, 22, 57.

⁷ Acts 1915; Burns 29-501; Baldwin 7187. Acts 1915, 1917, 1925, 1929; Burns 29-512; Baldwin 7197.

⁸ Acts 1915, 1917; Burns 29-504; Baldwin 7190.

⁹ Acts 1915; Burns 29-505, 29-556, 29-559; Baldwin 7191, 7242, 7244. Acts 1915, 1917; Burns 29-507; Baldwin 7193. Acts 1929; Burns 29-805 to 29-807; Baldwin 7094 to 7096. Acts 1929, 1933; Burns 29-804; Baldwin 7093.

¹⁰ Acts 1915, 1937; Burns, 1938 suppl., 29-515; Baldwin, 1937 suppl., 7201.

¹¹ Acts 1915, 1917; Burns 29-504, 29-514; Baldwin 7190, 7200.

¹² Acts 1915, 1917, 1933, 1935; Burns, 1938 suppl., 29-513; Baldwin, 1935 suppl., 7199. Acts 1915, 1931, 1935; Burns, 1938 suppl., 29-516; Baldwin, 1935 suppl., 7202.

¹³ Acts 1915; Burns 29-534; Baldwin 7220. Acts 1933; Burns 29-1805; Baldwin 11637.

¹⁴ Acts 1915; Burns 29-501; Baldwin 7187. Acts 1915, 1917, 1925, 1929; Burns 29-511; Baldwin 7197. Acts 1933; Burns 29-1807; Baldwin 11639.

¹⁵ Acts 1915; Burns 29-556, 29-559; Baldwin 7242, 7244.

387. [ELECTION RECORD PRIMARY], 1916-. In Election Record, entry 392.

Sample ballots and record of number of ballots printed, distributed and returned for primary elections, showing date of election, names of candidates, election commissioners, townships and inspector of precinct board, number of ballots printed, distributed and returned, and precinct number.

388. DECLARATION OF CANDIDACY AT PRIMARY ELECTION, 1918-. 4 file boxes.

Candidates' declarations to seek nomination for public office at primary elections, showing dates of declaration and election, names of candidate, office and petitioners, and proof of candidate's citizenship. Arr. by dates of declarations. Hdw. 10 x 5 x 14. 1 file box, 1918-Mar. 17, 1924, clk. stor. rm., bsmt.; 3 file boxes, Mar. 18, 1924-, clk. off.

389. CANDIDATES' STATEMENTS OF EXPENSES [Primary], 1934-. 11 file boxes.

Original statements of election expenses filed by candidates for various public offices, showing dates of statement and election, names of candidates and office, and itemized statement of expense incurred. Also contains: [Candidates' Statements of Expense, General], entry 393. Arr. by dates of statements. Hdw. 10 x 5 x 14. Clk. off.

XX. COUNTY BOARD OF CANVASSERS

The board of canvassers of Vanderburgh County, consisting of the election commissioners, was established by an act of 1905.¹ The board elects its own chairman and the clerk of the circuit court acts as its clerk.²

Prior to 1843, the canvass of votes was made by the clerk of the circuit court in the presence of all the election judges who attended from the several townships.³ The board of canvassers, established in 1843, consisted of the inspectors from the several townships and the clerk of the circuit court acting as clerk;⁴ it was continued until 1905.

¹ Acts 1905, 1927; Burns 29-1401; Baldwin 7377.

² Acts 1905; Burns 29-1402; Baldwin 7378.

³ Acts 1817-18 (general), ch. 15, sec. 12. Rev. Laws 1831, ch. 32, sec. 12.

⁴ 1 Rev. Stat. 1843, ch. 5, secs. 46-47.

The canvass of votes in primary⁵ and special⁶ elections, including votes cast for city⁷ and township offices,⁸ is made in the same manner as in the general election.

The board has full power to send for persons and papers and compel witnesses to answer proper questions under oath. The sheriff serves all processes in county elections and obeys all orders of the board.⁹

The members of the board are required to assemble at six o'clock p. m., on the day of each election in the circuit court room to canvass and estimate the certificates, poll lists, and tally papers returned by the election inspectors;¹⁰ to aggregate and tabulate therefrom the votes of the county; and to declare in a certified statement the candidates elected in the county.¹¹

The ballots cast in all primary and general elections, together with all uncast ballots, are sealed in an envelope or bag by the inspector in the presence of the judges and clerks and delivered by him to the clerk of the circuit court. They are held subject to the demand of the judge of any circuit or superior court of the state. In event of suit to contest the election, the judge orders a recount. If no litigation arises, at the end of six months the clerk of the circuit court must destroy the ballots.¹²

The certificates, together with a statement of all votes tabulated, canvass sheets, poll books, and tally papers, are delivered to the clerk of the circuit court and filed and preserved by him in his office, open to the inspection of any legal voter.¹³ These are destroyed after a reasonable time.

⁵ Acts 1915; Burns 29-560; Baldwin 7245. Acts 1915, 1917; Burns 29-525; Baldwin 7211. Acts 1933; Burns 29-1807; Baldwin 11639.

⁶ Acts 1881 (Spec. Sess.); Burns 29-1704; Baldwin 7249. Acts 1889; Burns 29-1611; Baldwin 7169.

⁷ Acts 1889, 1891; Burns 29-1612; Baldwin 7170. Acts 1933; Burns 29-1803; Baldwin 11635.

⁸ Acts 1933; Burns 29-1903; Baldwin 7252.

⁹ Acts 1905; Burns 29-1408; Baldwin 7384.

¹⁰ Acts 1905, 1927; Burns 29-1401; Baldwin 7377.

¹¹ Acts 1905; Burns 29-1404, 29-1405; Baldwin 7380, 7381.

¹² Acts 1881 (Spec. Sess.); Burns 29-2101; Baldwin 7388. Acts 1915; Burns 29-1304; Baldwin

¹³ Acts 1905; Burns 29-1404; Baldwin 7380.

390. ELECTION RETURNS, 1825-. 12 file boxes, 16 bds. Tally sheets of election returns for all elections, showing date of election, names of canvassers, candidates and officers, number of votes cast by precinct for each candidate, and total number of votes cast. Arr. by dates of elections. Hdw. File boxes, 10 x 5 x 14; bds., 18 x 24 x 24. Clk. stor. rm., bsmt.

391. [ELECTION RETURNS], 1906-. In Election Record, entry 392.

Record of votes cast in all elections, showing date of election, names of township, candidates and members of board of canvassers, ward and precinct numbers, number of votes cast in each precinct, and total number of votes cast for each candidate.

XXI. COUNTY BOARD OF ELECTION COMMISSIONERS

The board of election commissioners of Vanderburgh County was established by an act of 1889. The board consists of the clerk of the circuit court, and two persons appointed by him, one from each of the major political parties, nominated by the respective chairmen of the county committees of the parties.¹

Prior to 1899, there was little centralized county control over elections. The unit in the beginning was the township, which, as the population grew, was divided into precincts. Such supervision as was necessary beyond the local unit was preformed by various county officers.

With the organization of Vanderburgh County in 1818, the board of county commissioners laid off the townships,² appointed an inspector of elections in each,³ and delivered poll books and other blank forms and ticket boxes to the inspectors.⁴ From 1831 to 1853, the inspectors were elected by the voters of the township.⁵ After 1853, elections were conducted as follows: The clerk of the circuit court certified to the sheriff what officers were to be elected. The sheriff

¹ Acts 1889; Burns 29-1002; Baldwin 7109.

² Acts 1817-18 (general), ch. 17, sec. 2. Commissioners' Record, A:1-2.

³ Acts 1817-18 (general), ch. 15, sec. 1; ch. 17, sec. 3. Commissioners' Record, A:

32, A:44

⁴ Acts 1817-18 (general), ch. 15, secs. 1, 18.

⁵ Rev. Laws 1831, ch. 20, sec. 20. Wm. W. Thornton, *Indiana Twp. Officers*, 20, 21.

posted a copy of this certificate at the usual places of holding elections, published it in some newspaper of the county, and delivered a copy to each township clerk⁶ or trustee.⁷ The board of county commissioners designated the precincts,⁸ and furnished supplies (including ballot boxes but not ballots)⁹—after 1881, the auditor furnished printed forms¹⁰ and the commissioners the ballot boxes.¹¹ Each voter furnished his own ballot, which might be written or printed.¹² The township trustee (from 1853 to 1859, the president of the board of township trustees)¹³ served *ex officio* as inspector of elections¹⁴ in the precinct in which he resided,¹⁵ and the board of county commissioners appointed inspectors in all additional precincts.¹⁶ The precinct election board was composed of the inspector, judges, and clerk; the judges were appointed by the inspector and the clerks by the inspector and judges.¹⁷ After 1881, they were chosen from the political parties casting the highest number of votes in the last preceding general election.¹⁸

Indiana, in 1889, was one of the first states to adopt the "Australian ballot"—an official ballot printed at public expense by public officers and distributed at the polls by the election officers. The board of election commissioners was established to prepare, print, and distribute the ballots and otherwise administer the election laws in the county.¹⁹

The constitution fixes the date of general elections as the Tuesday next after the first Monday in November,²⁰ and an act of the general assembly, provides that they be conducted

⁶ 1 Rev. Stat. 1852, ch. 31, sec. 2.

⁷ Acts 1881 (Spec. Sess.); Burns 29-702; Baldwin 7082.

⁸ 1 Rev. Stat. 1852, ch. 31, sec. 3. Acts 1881 (Spec. Sess.), ch. 47, sec. 8.

⁹ 1 Rev. Stat. 1852, ch. 31, secs. 11, 12.

¹⁰ Acts 1881 (Spec. Sess.), ch. 47, sec. 13.

¹¹ *Ibid.*, sec. 18.

¹² Acts 1817-18 (general), ch. 15, sec. 8. 1 Rev. Stat. 1852, ch. 31, sec. 17. Acts 1881 (Spec. Sess.), ch. 47, sec. 23.

¹³ 1 Rev. Stat. 1852, ch. 31, sec. 3.

¹⁴ Acts 1859; Burns 65-105; Baldwin 16065. Acts 1859, 1889; Burns 65-102; Baldwin 16060.

¹⁵ Acts 1881 (Spec. Sess.), ch. 47, sec. 10.

¹⁶ 1 Rev. Stat. 1852, ch. 31, sec. 4.

¹⁷ Acts 1817-18 (general), ch. 15, sec. 2. 1 Rev. Stat. 1852, ch. 31, sec. 4.

¹⁸ Acts 1881 (Spec. Sess.), ch. 47, secs. 11, 12.

¹⁹ Acts 1889, ch. 87, secs. 18, 26.

²⁰ Const., art. 2, sec. 14 (as amended in 1881). Acts 1881 (Spec. Sess.), ch. 47, sec. 1.

biennially.²¹ The sheriff gives notice to electors by posting at the usual polling places a copy of the certificate from the clerk of the circuit court stating what officers are to be elected.²² The constitution further provides that all elections by the people must be by ballot,²³ which includes voting machines²⁴ provided by the board of county commissioners.²⁵

The board of county commissioners also establishes the precincts²⁶ and provides all polling places and ballot boxes,²⁷ and the auditor furnishes blank poll books and other forms to the inspectors.²⁸

The county board of election commissioners supervises general elections,²⁹ and it prints and distributes ballots for the election of all officers to be voted for in Vanderburgh County, other than those to be voted for by all the electors of the state.³⁰ The state ballots are furnished by the state board of election commissioners.³¹ The county ballots are prepared in accordance with petitions for placing candidates' names on the ballot and with certificates of nomination by convention or primary election, as filed with the clerk of the circuit court.³² The county board also prints and furnishes the ballot label for the voting machines.³³

The election is conducted by the precinct election boards, consisting of one inspector and two judges, who are appointed by the county board of election commissioners. The township trustee is ex officio inspector in his own precinct and the other inspectors are nominated by the party casting the highest

²¹ Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081.

²² Acts 1881 (Spec. Sess.); Burns 29-702; Baldwin 7082.

²³ Const., art. 2, sec. 13.

²⁴ Spickerman v. Goddard, 182 Ind. 523, 107 N. E. 2.

²⁵ Acts 1901, 1903; Burns 29-2404; Baldwin 7352. Acts 1920 (Spec. Sess.); Burns 29-903; Baldwin 7148.

²⁶ Acts 1889; Burns 29-801; Baldwin 7089. Acts 1920 (Spec. Sess.); Burns 29-901; Baldwin 7091.

²⁷ Acts 1897; Burns 29-1121; Baldwin 7135. Acts 1920 (Spec. Sess.); Burns 29-909; Baldwin 7154.

²⁸ Acts 1889; Burns 29-808; Baldwin 7097.

²⁹ Acts 1889; Burns 29-1116, 29-1117, 29-1119, 29-1120; Baldwin 7130, 7131, 7133, 7134. Acts 1901; Burns 29-2410, 29-2426, 29-2428; Baldwin 7358, 7374, 7376. Acts 1903; Burns 29-2407; Baldwin 7355.

³⁰ Acts 1889; Burns 29-1002; Baldwin 7109.

³¹ Acts 1889; Burns 29-1001; Baldwin, 7108. Acts 1897, 1919, 1933; Burns 29-1106; Baldwin 7120. Acts 1920 (Spec. Sess.); Burns 29-1107; Baldwin 7121.

³² Acts 1889, 1933; Burns 29-1003; Baldwin 7110.

³³ Acts 1901; Burns 29-2410; Baldwin 7358.

number of votes in the county for secretary of state in the preceding election. The two judges must be of opposite political faith and are nominated by the county chairman of the two major political parties. Other precinct officials—two election sheriffs, two poll clerks, and if found necessary, two assistant poll clerks—are nominated and appointed in the same manner.³⁴

Since 1933, city³⁵ and township³⁶ elections are held at the time of the general election, and are under the supervision of the county board of election commissioners,³⁷ as are all special elections.³⁸

The board has full power to send for persons and papers and compel witnesses to answer proper questions under oath. The sheriff serves all processes in county elections and obeys all orders of the board.³⁹

Records of all general elections are filed in the office of the clerk of the circuit court (a member of the board of election commissioners) for preservation as provided by statute.⁴⁰

392. ELECTION RECORD, 1890—. 5 vols. (1-5).

Sample ballots and record of number of ballots printed, distributed and returned for general elections, showing date of election, names of candidates, election commissioners and inspector of precinct board, number of ballots printed, distributed and returned, and precinct numbers. Also contains: [Election Record Primary], entry 387; [Election Returns], 1906—, entry 391. Arr. by dates of elections. Hdw. 300 pp. 18 x 20 x 1½. Clk. off.

393. [CANDIDATES' STATEMENTS OF EXPENSE, GENERAL], 1934. In Candidates' Statements of Expense [Primary], entry 389.

Original statements of election expenses filed by candidates for various public offices, showing dates of statement and election, names of candidates and office, and itemized statement of expense incurred.

³⁴ Acts 1929; Burns 29-305 to 29-307; Baldwin 7094 to 7096. Acts 1929, 1933; Burns 29-804; Baldwin 7093.

³⁵ Acts 1889, 1891; Burns 29-1612; Baldwin 7170. Acts 1933; Burns 29-1806; Baldwin 11638.

³⁶ Acts 1933, 1935; Burns, 1938 suppl., 29-1901; Baldwin, 1935 suppl., 7250.

³⁷ Acts 1933; Burns 29-1803; Baldwin 11635.

³⁸ Acts 1881 (Spec. Sess.); Burns 29-1704; Baldwin 7249. Acts 1889; Burns 29-1611; Baldwin 7169.

³⁹ Acts 1905; Burns 29-1408; Baldwin 7384.

⁴⁰ Acts 1889; Burns 29-1009; Baldwin 7113. Acts 1911, 1913, 1915; Burns 29-2508; Baldwin 7445. Acts 1911; Burns 29-2510; Baldwin 7447.

394. RECORD OF APPOINTMENTS OF ELECTION SHERIFFS, 1899-1900. 1 vol.

Record of appointments of deputy sheriffs for election duties, showing name of appointee, purpose and duration of appointment and dates of appointment and election. Arr. by dates of elections. Hdw. 600 pp. 18 x 12 x 3. Clk. stor. rm., bsmt.

XXII. COUNTY BOARD OF EDUCATION

The board of education of Vanderburgh County, as established by an act of 1873 and amended in 1877, consists of the county superintendent of schools, the township trustees, and the chairman of the school trustees of each city and town of the county.¹ Before 1877 all the school trustees of each town and township were also included as members of the board.²

Semiannual meetings are held at the office of the county superintendent on the first day of May and September. A majority of the board members constitutes a quorum. The county superintendent presides at the meetings and he casts his vote in the same manner as the other members.³

The board acts in an advisory capacity by determining and considering the wants and needs of the schools; it provides for the maintenance of school property and purchase of furniture, books, maps, charts, and other supplies.⁴ The board may purchase text books from publishers and sell them to pupils at cost,⁵ or rent them to pupils at not to exceed 25 percent of the retail price.⁶

395. [BOARD OF EDUCATION], 1932-. 1 vol.

Minutes of meetings of board of education, showing date of meeting, names of members present, nature of business discussed, and action taken. Arr. by dates of meetings. Typed. 150 pp. 12 x 10 x 1. Supt. off.

¹ Acts 1873, 1877; Burns 28-801; Baldwin 5983. Note: Although the members of the city and town boards are members of the county board, they do not attend the meetings with any regularity and take no active part in the business of the board.

² Acts 1873, ch. 25, sec. 8.

³ Acts 1873, 1877; Burns 28-801; Baldwin 5983.

⁴ *Ibid.*

⁵ Acts 1921; Burns 28-614; Baldwin 6692.

⁶ Acts 1935; Burns, 1938 suppl., 28-638; Baldwin, 1935 suppl., 6692-1.

XXIII. COUNTY SUPERINTENDENT OF SCHOOLS

The superintendent of schools in Vanderburgh County is elected by the township trustees for a four-year term, under the authority of an act of 1899 and later amendments,¹ which increased his powers as originally defined in an act of 1873.² Eligibility to the office of superintendent of schools is confined to persons who have had five years of successful experience as a teacher and who hold a first or second grade superintendent's license.³ The superintendent must take an oath to perform his duties according to law and execute a bond of \$5,000, approved by the auditor.⁴

Prior to 1899, the board of commissioners, by an act of 1853, appointed one to three school examiners for the county;⁵ by an act of 1861, one school examiner.⁶ The title of school examiner was changed to superintendent of schools and the power of appointment was transferred to the township trustees, by an act of 1873.⁷

The superintendent exercises general supervision of the schools of Vanderburgh County, except those of incorporated cities and towns.⁸ His duties are to visit the schools in session for the purpose of increasing their usefulness and raising their standards as uniformly as practicable;⁹ to conduct county teachers' institutes¹⁰ and conduct and preside over township institutes;¹¹ to report as to teachers' preparation, experience, and license before they are employed;¹² to compile the enumeration of pupils of the county¹³ and from such returns make out the apportionment of the school revenues;¹⁴ and to carry out the orders of the state board of education and the

¹ Acts 1899, 1911, 1913; Burns 28-702; Baldwin 5931.

² Acts 1873, ch. 25, secs. 3, 4, 6-8. Acts 1899; Burns 28-704, 28-706; Baldwin 5938, 5942.

³ Acts 1935; Burns, 1938 suppl., 28-701; Baldwin, 1935 suppl., 5933-1.

⁴ Acts 1899, 1911, 1913; Burns 28-702; Baldwin 5931.

⁵ Acts 1853, ch. 106, sec. 6.

⁶ Acts 1861, ch. 41, sec. 32.

⁷ Acts 1873, ch. 25, sec. 2.

⁸ Acts 1873; Burns 28-1401; Baldwin 5973. Acts 1899; Burns 28-705; Baldwin 5940.

⁹ Acts 1899; Burns 28-704; Baldwin 5938.

¹⁰ Act 1907, 1929, 1933; Burns 28-4402; Baldwin 6725.

¹¹ Acts 1899; Burns 28-706; Baldwin 5942.

¹² Acts 1927, 1933; Burns 28-4309; Baldwin 6005.

¹³ Acts 1865, 1873, 1895; Burns 28-714; Baldwin 5948.

¹⁴ Acts 1865; Burns 28-715; Baldwin 5949.

state superintendent of public instruction.¹⁵ He is an ex officio member of the county board of education and presides at its meetings.¹⁶

The superintendent keeps a complete record of licenses held by all regular school teachers, date of employment, their success grades, and annual or monthly salary.¹⁷

REPORTS

396. STATISTICAL AND FINANCIAL REPORT OF SCHOOL TRUSTEES OF TOWNSHIPS, TOWNS AND CITIES TO COUNTY SCHOOL SUPERINTENDENT, 1876-. 7 file boxes.

Annual statistical and financial reports of school trustees to county superintendent, showing date of report, names of township, town or school-city and trustee, enrollment of pupils, number of transfers and pupils completing elementary grades, number of employees and amount of wages, number of abandoned and new school buildings, assessed valuation of property in township, town or school-city, mileage and cost of pupils' transportation, itemized statement of assets and liabilities, and net worth of school property. Arr. by dates of reports. Hdw. and typed. 10 x 5 x 14. Supt. off.

397. STATISTICAL AND FINANCIAL REPORT OF THE COUNTY SUPERINTENDENT TO THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION, 1876-. 5 file boxes.

Duplicates of annual statistical reports of county superintendent of schools, showing date of report, names of trustee and township, town or school-city, enrollment of pupils, number of transfers and pupils completing elementary grades, number of employees and amount of wages, number of abandoned and new school buildings, assessed valuation of property in township, town or school-city, mileage and costs of pupils' transportation, itemized statement of assets and liabilities, and net worth of school property. Arr. by dates of reports. Hdw. and typed. 10 x 5 x 14. Supt. off.

398. REPORT OF TOWNSHIP TRUSTEE TO COUNTY SUPERINTENDENT, 1932-. 1 file drawer.

Township trustees' annual enrollment reports to county superintendent, showing date of report, names of township and school, number of male and female pupils, enrollment for

¹⁵ Acts 1899; Burns 28-704; Baldwin 5938.

¹⁶ Acts 1873, 1877; Burns 28-801; Baldwin 5983.

¹⁷ Acts 1923; Burns 28-4217; Baldwin 5928.

school, and total enrollment for township. Arr. by dates of reports. Hdw. 12 x 14 x 24. Supt. off.

399. INSPECTION REPORTS, 1933-. 1 file drawer.

School principals' annual reports to superintendent, showing date of report, names of trustee, superintendent, school, teachers and principal, program of studies, statistics on supervision and administration, needed improvement on buildings, and kind of new or additional equipment requested. Arr. by dates of reports. Hdw. 12 x 14 x 24. Supt. off.

ENUMERATIONS

400. RECORD OF ENUMERATION OF PUPILS IN VANDERBURGH COUNTY, 1873-. 6 file boxes, 68 file drawers.

Record of children between ages of six and twenty-one years, showing date of enumeration, name, age, color, sex and address of child, and names and ages of parents. Indexed alph. by names of children. Hdw. File boxes, 10 x 5 x 14; file drawers, 1½ x 8 x 24. Supt. off.

TEACHERS

401. RECORD OF TEACHERS, 1923-. 4 file drawers.

Card record of qualifications of teachers in consolidated and city schools, showing date of license, names of school and teacher, grade and subjects taught, length of service, amount of training and achievement rating. Indexed alph. by names of teachers. Typed. 1 x 9 x 24. Supt. off.

402. SCHEDULE OF SUCCESS ITEMS, 1903-. 4 vols.

Record of teachers' voting in personality, preparation, teaching technique, achievement, management, co-operative professional attitude and extension work, showing date of school term, names of school and teacher, qualification rating, and number and date of license. Arr. by dates of school terms. Hdw. 150 pp. 5 x 7 x 1. Supt. off.

403. COUNTY SCHOOL SUPERINTENDENT'S RECORD OF TEACHERS' EXAMINATIONS, 1873-1925. 1 vol.

Record of teachers' examinations and percentage ratings, showing date of examination, name, age, nationality and address of teacher, subjects of examination, and grade earned. Arr. by dates of examinations. Hdw. 500 pp. 18 x 12 x 2½. Supt. off.

404. RECORD OF EXAMINATION OF TEACHERS' LICENSES, 1873-1922. 2 file boxes.

Card record of teachers who have taken examinations, showing

date of examination, subjects covered, grade earned, and name and age of teacher. Arr. alph. by names of teachers. Typed. 5 x 4 x 9. Supt. off.

405. TEACHERS' INSTITUTE RECORD OF ATTENDANCE, 1891-1912.
1 vol.

Record of daily attendance at teachers' institutes, showing name of teachers, date of attendance, and amount of dues. Arr. alph. by names of teachers. Hdw. 150 pp. 18 x 12 x 1. Supt. off.

PUPILS

406. RECORD OF COMMON SCHOOL GRADUATES, 1886-. 2 vols.
Record of pupils graduating from grade schools, showing date of graduation, name or number of district or school, name, age and sex of graduate, and names of teacher and superintendent. Arr. alph. by names of graduates. Hdw. 100 pp. 16 x 10 x 1. Supt. off.

407. RECORD OF COUNTY SUPERINTENDENT, 1915-. 2 vols.
Record of pupils' attendance and grades, showing date of school term, names of pupil and school, days present and absent, cause of absence, grade by subjects, average grade, and names, address and occupation of parents. Arr. by dates of school terms. Hdw. 300 pp. 14 x 12 x 3. Supt. off.

408. PRELIMINARY AND PUPIL'S HOME RECORD REPORT, 1929-.
7 vols.

Record of statistical reports by teachers, showing date of report, name, age and color of pupil, names, occupations and address of parents, number of pupils, subjects and grade taught, length of term, and names of teacher and school. Arr. by dates of reports. Hdw. 2,500 pp. 16 x 14 x 6. Supt. off.

409. RECORD OF TRANSFERS, 1878-92. 1 vol.

Record of pupils transferred from one school district to another, showing date of transfer, numbers of district from and to which transferred, name, age and sex of pupil, and names of parents. Arr. by dates of transfers. Hdw. 186 pp. 16 x 12 x 1½. Supt. off.

MAPS

410. VANDERBURGH COUNTY, 1929. 1 map.

Political and communication map of county, showing township, city, town and village boundaries, and location of roads, streets and alleys. Drawn by Smith and Butterfield, Evansville. Black and white. Scale: 1½" to 1 mi. 28 x 38. Supt. off.

411. GREFFING'S ATLAS OF VANDERBURGH COUNTY, 1880. 1 vol. Maps of Vanderburgh County and all townships, showing location of county and township boundaries and names of townships. Drawn by B. N. Greffing. Published at Philadelphia, Penn., by D. J. Lake and Company. Black and white. Scale: 3/5" to 1 mi. 80 pp. 15 x 17 x 1. Supt. off.

XXIV. COUNTY HEALTH OFFICER

The health officer of Vanderburgh County who is appointed by the board of commissioners for a four-year term, under the authority of an act of 1935, effective January 1, 1938, is a part-time official. He must be a regularly licensed physician, suitably trained in sanitary science and hygiene, with qualifications satisfactory to the state board of health. Should this board fail to approve the nomination of the person recommended, the board of commissioners must make another nomination at once.¹ The health officer must give bond in the amount that the board of commissioners determines.²

From 1881 to 1909, the board of commissioners constituted the county board of health ex officio and elected annually a secretary who was a physician and served as health officer. The statute provided that the secretary must render medical and surgical services to inmates of the county jail and other services required by the board of commissioners.³ An act of 1891 enlarged the duties of the board and its secretary was its executive officer.⁴ In 1909, the board of health was abolished and the office of health commissioner was substituted, which continued until superseded by the health officer in 1938. The board of commissioners elected as health commissioner a licensed physician.⁵

The health officer protects and supervises the general health and sanitation of the county outside of incorporated cities.⁶ He enforces the health laws of the state and the

¹ Acts 1935; Burns, 1938 suppl., 35-118; Baldwin, 1935 suppl., 8404-1. Information as to "part-time official" obtained from the state board of health.

² Acts 1891, 1909; Burns 35-108; Baldwin 8402.

³ Rev. Stat. 1881, sec. 4993.

⁴ Acts 1891, ch. 15, sec. 8.

⁵ Acts 1909, ch. 144, secs. 4, 6.

⁶ Acts 1935; Burns, 1938 suppl., 35-122, 35-124; Baldwin, 1935 suppl., 8404-5, 8404-7.

rules and regulations of the state board of health,⁷ oversees inspection of food and drugs,⁸ condemns buildings unfit for human habitation,⁹ and issues burial permits.¹⁰ He makes inspections of all public buildings and institutions and of private property; investigates the presence, source, and cause of disease, and establishes quarantine; if necessary, closes schools and churches and forbids public gatherings in order to prevent epidemics; and protects the public health in all reasonable and necessary ways.¹¹

The health officer collects, records, and reports the vital statistics of the county, and keeps full and permanent records of the public health work and of his reports. He makes monthly reports of his work to the state board of health.¹²

VITAL STATISTICS

412. RECORD OF BIRTHS, 1895-. 7 vols.

Record of births in county outside incorporated cities and towns, showing date and place of birth, name, sex and color of child, nature of delivery, names, ages and family history of parents, and name of attending physician or accoucheur. Arr. by dates of births. Hdw. 350 pp. 18 x 12 x 2½. Hlth. offr. off., 412 Central Union Bank Bldg., 4th and Sycamore Sts., Evansville.

For other birth records, see entry 416.

413. RETURN OF MARRIAGE, 1882-89, 1915-. 9 vols.

Record of returns of marriages by clerk, showing dates of marriage and return, names of bride, groom, parents, witnesses and person officiating, and ages, color, nationalities, occupations, marital status and dates and places of birth of bride and groom. Indexed alph. by names of brides and grooms. Hdw. 550 pp. 18 x 12 x 3. 3 vols., 1882-89, clk. off.; 6 vols., 1915-, hlth. offr. off., 412 Central Union Bank Bldg., 4th and Sycamore Sts., Evansville.

For other marriage records, see entries 46-49, 416.

414. RETURN OF DISEASES, 1905-. 3 vols. (1-3).

Record of contagious and infectious diseases reported to health

⁷ Acts 1891, 1909; Burns 35-111; Baldwin 8405.

⁸ Acts 1907; Burns 35-1207; Baldwin 8476.

⁹ Acts 1917; Burns 35-1801; Baldwin 8563.

¹⁰ Acts 1907, 1913; Burns 35-115; Baldwin 8398.

¹¹ Acts 1891, 1909; Burns 35-111; Baldwin 8405.

¹² *Ibid.*

officer, showing type of disease, name, age, sex, color and address of patient, number of persons in family, dates of report and quarantine, period of quarantine, and name of attending physician. Arr. by dates of reports. Hdw. 450 pp. 18 x 14 x 3½. Hlth. offr. off., 412 Central Union Bank Bldg., 4th and Sycamore Sts., Evansville.

For other dangerous disease records, see entry 416.

415. RECORD OF DEATHS, 1899-. 11 vols.

Record of death returns, showing date of return, name, age, race, sex and address of deceased, place, date and cause of death, names of parents, and report of attending physician. Arr. by dates of returns. Hdw. 400 pp. 18 x 12 x 3. Hlth. offr. off., 412 Central Union Bank Bldg., 4th and Sycamore Sts., Evansville.

For other death records, see entry 416.

416. QUARTERLY RECORD OF MARRIAGES, BIRTHS, DEATHS AND DANGEROUS DISEASES, 1899-1913. 1 vol. Discontinued after 1913.

Quarterly reports of marriages, births, deaths and contagious or infectious disease returns, showing date of report, and names, ages, race, color and other details of statistical value in connection with each individual case. Arr. by dates of reports. Hdw. 200 pp. 4 x 10 x 1½. Hlth. offr. off., 412 Central Union Bank Bldg., 4th and Sycamore Sts., Evansville.

For other marriage records, see entries 46-49, 413; birth records, see entry 412; death records, see entry 415; dangerous disease records, see entry 414.

XXV. COUNTY DEPARTMENT OF PUBLIC WELFARE

The department of public welfare of Vanderburgh County, as created by the general assembly in 1936, is administered by a county board and a director of public welfare.¹ The department is set up as a legal entity and it may sue and be sued in the name of "The County Department of Public Welfare of Vanderburgh County."²

Before the present system of welfare was organized, the county administered aid to the poor and needy through discretionary powers granted the county. County asylums were

¹ Acts 1936 (Spec. Sess.), 1937; Burns, 1938 suppl., 52-1117 to 52-1119, 52-1126; Baldwin, 1937 suppl., 14078-18 to 14078-20, 14078-27.

² Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1122; Baldwin, 1937 suppl., 14078-23.

established at an early date to care for the destitute.³ In 1857 the county boards having authority to spend county funds were directed to give aid to needy blind and infirm poor.⁴ In 1901 the board of children's guardians was established to provide adequate care and supervision of neglected and dependent children.⁵ The board of charities and corrections, organized in 1899, inspected and advised changes in the county institutions;⁶ and a system of old-age pensions was created in 1933.⁷ These previous organizations were incorporated in the present welfare law.⁸

The county board of public welfare consists of five members. These members must have been residents of the county for at least two years prior to appointment, and have a definite and recognized interest in public welfare. The judge of the circuit court makes the appointments. At least two of the board members must be women, and not more than three belong to one political party. The first terms are: One for one year, two for two years, and two for four years; thereafter the terms are for four years. Regular meetings are held once a month; the August meeting is known as the annual meeting, and others may be held pursuant to call.⁹

The executive and administrative work is carried on by the director of public welfare. He is appointed by the county board solely on the basis of merit from eligible lists established by the state department. He must have resided in the county at least two years before appointment unless no qualified person is available. He must give bond, payable to the state, approved by the judge of the circuit court, and filed in the office of the clerk, conditioned for faithful discharge of his duties.¹⁰

The director appoints, the assistants in the department, with the approval of the board, from eligible lists compiled by the state department of public welfare; and fixes their salaries.¹¹

³ 1 Rev. Stat. 1852; Burns 52-201; Baldwin 13360. Acts 1901; Burns 52-104; Baldwin 13361.

⁴ Acts 1857; Burns 26-1202; Baldwin 5295.

⁵ Acts 1901, 1923, 1927; Burns 22-2801, 22-2802; Baldwin 5684, 5685.

⁶ Acts 1899; Burns 22-2901, 22-2902, 22-2903; Baldwin 4116 to 4118.

⁷ Acts 1933; Burns 52-301; Baldwin 13407.

⁸ Acts 1936 (Spec. Sess.), 1937; Burns, 1938 suppl., 52-1121, 52-1410; Baldwin, 1937 suppl., 14078-22, 14078-122.

⁹ Acts 1936 (Spec. Sess.), 1937; Burns, 1938 suppl., 52-1118; Baldwin, 1937 suppl., 14078-19.

¹⁰ Acts 1936 (Spec. Sess.), 1937; Burns, 1938 suppl., 52-1119; Baldwin, 1937 suppl., 14078-20.

¹¹ Acts 1936 (Spec. Sess.), 1937; Burns, 1938 suppl., 52-1123; Baldwin, 1937 suppl., 14078-24.

There are four divisions in the department:¹² The division of assistance administers old-age assistance, aid to dependent children in their own homes, aid to blind, and supervision of the industrial board for the blind;¹³ the children's division takes care of orphaned children, and children to be sent to the deaf, blind, or correctional schools;¹⁴ the division of medical care is charged with the care of inmates in institutions for the feeble-minded, the insane, epileptics, and tuberculous persons;¹⁵ the division of corrections keeps the records of all persons placed in penal and correctional institutions.¹⁶ The department also administers provisions and benefits of the federal "Social Security Act" of August 14, 1935.¹⁷ The county department is at all times responsible to the state department of public welfare.¹⁸

Expenditures for assistance and administration of the department are paid from the county welfare fund raised by a separate tax levy,¹⁹ to which are added such repayments as may be made under legal liability by recipients, their parents, children or other persons liable for their support.²⁰ Old-age assistance certificates, filed with the recorder, establish liens against estates of recipients to insure reimbursement.²¹ The county receives funds from the state, and a part of any federal funds granted to the state for welfare purposes.²² All claims for administrative expenses are subject to allowance by the board of commissioners. Claims for assistance are not so subject, but are determined by the department and approved by the director.²³ The county

¹² Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1107; Baldwin, 1937 suppl., 14078-8.

¹³ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1108; Baldwin, 1937 suppl., 14078-9.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1113; Baldwin, 1937 suppl., 14078-14.

¹⁸ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1120; Baldwin, 1937 suppl., 14078-21.

¹⁹ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1301; Baldwin, 1937 suppl., 14078-98.

²⁰ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1263; Baldwin, 1937 suppl., 14078-94.

²¹ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1207; Baldwin, 1937 suppl., 14078-38.

²² Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1219, 52-1249, 52-1254; Baldwin, 1937 suppl., 14078-50, 14078-80, 14078-85. Acts 1936 (Spec. Sess.), 1937; Burns, 1938 suppl., 52-1124 a; Baldwin, 1937 suppl., 14078-24 a.

²³ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1124; Baldwin, 1937 suppl., 14078-25.

board may accept gifts, or bequests of personal property or income from real estate for the homes or support of dependent children.²⁴

The auditor keeps the records relating to the county welfare fund and its financial transactions.²⁵ The department keeps such records and accounts relating to assistance as the state department of public welfare prescribes.²⁶ All records, except applications for assistance and for awards and modification and revocation of awards, are confidential.²⁷

PROCEEDINGS OF THE BOARD

417. [MINUTE BOOK], 1936-. 1 vol.

Minutes of meetings of county board of public welfare, showing date of meeting, names of members present, nature of business discussed, and action taken. Arr. by dates of meetings. Typed. 150 pp. 8 x 11 x 1½. Pub. welf. off.

418. [RECOMMENDATIONS OF COUNTY DIRECTOR OF PUBLIC WELFARE AND ACTION OF BOARD], 1936-. 1 vol.

Record of recommendations of county director and action of county board of public welfare as to rejections, awards, changes, modifications and revocations or cancellations of assistance to aged and blind persons and dependent children, showing recommendation, code and application numbers, name of applicant, and nature and amount of award. Arr. by application nos. Typed. 200 pp. 15 x 12 x 1½. Pub. welf. off.

419. REPORT CONCERNING WARDS OF VANDERBURG COUNTY, 1899-.

1 file box, 1 bdl. Title varies: Orphan Asylum. Superintendent's monthly statistical report of orphan asylum activities, showing date of report, number of male and female inmates received and discharged, name, age, sex, color and birthdate of ward, names of parents or guardian, dates committed, received, discharged and recommitted, reason for return, number eligible for adoption, and number of adoptions, marriages and deaths. Arr. by dates of reports. Hdw. File box, 10 x 5 x 14; bdl., 24 x 18 x 18. 1 file box, 1899-1916, aud. stor. rm., bsmt.; 1 bdl., 1917-, pub. welf. off.

420. [MASTER INDEX TO RECORDS], 1936-. 6 file drawers.

Card index to all applications for assistance, showing dates

²⁴ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1122; Baldwin, 1937 suppl., 14078-23.

²⁵ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1401; Baldwin, 1937 suppl., 14078-113.

²⁶ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1260; Baldwin, 1937 suppl., 14078-91.

²⁷ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1262; Baldwin, 1937 suppl., 14078-93.

of application, award or rejection and withdrawal, code, serial and application numbers, name, address and personal history of applicant, type of assistance, and amount of award. Arr. alph. by names of applicants. Typed. 3 x 5 x 15. Pub. welf. off.

OLD-AGE ASSISTANCE

(See also entries 127, 128, 338)

421. [APPLICATIONS FOR OLD-AGE ASSISTANCE], 1936-. 1 file drawer.

Applications for old-age pensions, showing date of application, code and serial numbers, name, age, sex, personal history and financial status of applicant, and names of witnesses. Arr. by serial nos. Hdw. and typed. 12 x 12 x 30. Pub. welf. off.

422. [RECORD OF APPLICANT FOR OLD-AGE ASSISTANCE], 1936-. 1 file drawer.

Investigators' reports on applications for old-age pensions, showing date of application, code and serial numbers, name, age, sex, color and marital and physical status of applicant, names, ages, places of employment and financial status of children and other relatives, amount of real estate, personal property and other financial interests of applicant, and amount of insurance carried. Arr. by serial nos. Hdw. 12 x 12 x 30. Pub. welf. off.

423. [RECORD OF ASSISTANCE GIVEN OLD-AGE], 1936-. 1 vol. Record of awards granted and payments made for old-age assistance, showing application code and serial numbers, names and addresses of recipient and guardian, kind of assistance, date, amount and number of warrant, date and reason of withdrawal, amounts reimbursed and remitted to state. Arr. by application code nos. Hdw. 1200. pp. 10 x 18 x 6. Pub. welf. off.

424. TRANSFER OF OLD AGE PENSIONS, 1933-35. 1 vol. Record of pension awards transferred to credit of county institutions for care of pensioners, showing name, age and former address of pensioner, date of and reason for transfer, amount of pension, and name of institution. Arr. alph. by names of pensioners. Hdw. 400 pp. 18 x 12 x 3. Aud. off.

425. REGISTER OF OLD AGE PENSIONS, 1934-36. 2 vols. Record of old-age pension awards, showing dates of application and award, name, age and address of pensioner, complete history of case, and amount of pension. Indexed alph. by names of pensioners. Hdw. 300 pp. 14 x 10 x 3. Aud. off.

426. OLD AGE PENSION REJECTIONS, 1934-36. 1 vol.

Record of old-age pension applications rejected by board of commissioners, showing dates of application and rejection, name, sex, age and address of applicant, and reason for rejection. Indexed alph. by names of applicants. Hdw. 300 pp. 14 x 10 x 3. Aud. off.

427. OLD AGE PENSION APPROVED BY COMMISSIONERS, 1931-36.
2 file boxes.

Approved applications for old-age pensions, showing dates of application and approval, name, address and age of applicant, names of near relatives, and amount of pension. Arr. by dates of applications. Hdw. 10 x 5 x 14. Aud. off.

428. [ALLOWANCE SCHEDULE FOR OLD-AGE ASSISTANCE], 1936-.
1 vol.

Schedules of allowances for old-age assistance, showing application and warrant numbers, name and address of payee, and amount of warrant. Arr. by application nos. Typed. 150 pp. 18 x 12 x 2. Pub. welf. off.

429. [MONTHLY STATISTICAL REPORT ON OLD-AGE ASSISTANCE
LIST OF APPLICATIONS RECEIVED THIS MONTH], 1936-.
1 vol.

Monthly reports of current application for old-age assistance, showing code, and serial numbers, dates of application and report, name and sex of applicant, and action by board. Arr. by dates of reports. Hdw. 2,000 pp. 16 x 11 x 8. Pub. welf. off.

430. [MONTHLY STATISTICAL REPORT ON OLD-AGE ASSISTANCE LIST
OF APPLICATIONS PENDING FROM PREVIOUS MONTH], 1936-.
1 vol.

Copies of monthly statistical reports for old-age assistance pending from previous month, showing date of report, code and application numbers, name and sex of applicant, nature of application, and action taken. Arr. by dates of reports. Hdw. 2,000 pp. 16 x 11 x 8. Pub. welf. off.

431. [MONTHLY STATISTICAL REPORT ON OLD-AGE ASSISTANCE SUM-
MARY OF APPLICATIONS AND OF OPEN CASE LOAD], 1936-.
1 vol.

Copies of monthly statistical summaries of applications for old-age assistance, showing date of report, number of applications received, disposed of and pending, and distribution of assistance granted. Arr. by dates of reports. Hdw. 2,000 pp. 16 x 11 x 8. Pub. welf. off.

DEPENDENT CHILDREN ASSISTANCE

(See also entry 420)

432. [APPLICATIONS FOR ASSISTANCE TO DEPENDENT CHILDREN], 1936-. 1 file drawer.

Applications for aid in support of dependent children, showing date of application, code and serial numbers, name of parent, guardian, or person in loco parentis, and names, ages, color and present residence of children. Arr. by serial nos. Hdw. and typed. 12 x 12 x 30. Pub. welf. off.

433. [REGISTER OF APPLICATIONS FOR AID TO DEPENDENT CHILDREN], 1936-. 1 vol.

Register of applications for assistance to dependent children, showing date of application, code and serial numbers, name of parent, guardian or person in loco parentis, number of children, and date of board action. Arr. by serial nos. Typed. 150 pp. 10 x 16 x 1½. Pub. welf. off.

434. [RECORD OF DEPENDENT CHILDREN'S FAMILY], 1936-. 1 file drawer.

Investigator's reports of record of dependent children's family, showing date of application, code and serial numbers name and address of parent or person in loco parentis, name, sex, birthplace, condition of health and school history of child, marital status, physical capacity, employment history, amount of real and personal property and financial status of parents, amount of insurance carried on all members of family, and visitor's estimate of amount of assistance necessary. Arr. by serial nos. Hdw. 12 x 12 x 30. Pub. welf. off.

435. [RECORD OF ASSISTANCE GIVEN TO DEPENDENT CHILDREN], 1936-. 1 vol.

Record of allowances paid for support of dependent children, showing application number, name and address of parent, guardian or person in loco parentis, names and birth dates of children, number eligible for federal aid, amount of award, and date, number and amount of warrant for each payment. Arr. by application nos. Hdw. 2,000 pp. 10 x 18 x 8. Pub. welf. off.

436. [MONTHLY STATISTICAL REPORT], 1936-. 1 vol.

Monthly statistical reports on applications for aid of dependent children, showing date of report, application number, name of parent or guardian, status of applicant, disposition of application, and number of cases active, inactive and withdrawn. Arr. by dates of reports. Hdw. 1,800 pp. 16 x 11 x 8. Pub. welf. off.

BLIND ASSISTANCE
(See also entry 420)

437. [APPLICATIONS FOR ASSISTANCE TO BLIND], 1936-. 1 file drawer.

Applications for pensions for blind persons, showing date of application, code and serial numbers, name, age, sex, personal history and financial status of applicant, and names of witnesses. Arr. by serial nos. Typed. 12 x 12 x 30. Pub. welf. off.

438. [REGISTER OF APPLICATIONS FOR BLIND ASSISTANCE], 1936-. 1 vol.

Record of applications for pensions for blind persons, showing date of application, code and serial numbers, name of applicant, recommendation of department, and action of state department. Arr. by serial nos. Typed. 150 pp. 10 x 16 x 1½. Pub. welf. off.

439. [REPORT ON APPLICANT FOR BLIND ASSISTANCE], 1936-. 1 file drawer.

Investigators' reports on applications for assistance to blind, showing date of application, code and serial numbers, name, age, sex, color and marital and physical status of applicant, names, ages, places of employment and financial status of relatives, amount of real and personal property and other financial interests of applicant, and amount of insurance carried. Arr. by serial nos. Hdw. 12 x 12 x 30. Pub. welf. off.

CLAIMS AND RECEIPTS

440. REGISTER OF CLAIMS, 1936-. 1 vol.

Monthly reports of all approved and paid claims, showing dates and amounts of claim and warrant, appropriation, code, claim and warrant numbers, names of payee and fund, and total amount of claims. Arr. by claim nos. Hdw. 200 pp. 14 x 16 x 2. Pub. welf. off.

441. [CERTIFICATION OF MONTHLY REPORT OF CLAIMS PAID STATE DEPARTMENT OF PUBLIC WELFARE], 1936-. 1 file box.

Copies of monthly certification of claims on county claim register submitted by county welfare director and county auditor to state department of public welfare, showing code and case numbers, date of certification, total amount of claims, and signatures of welfare director and county auditor. Arr. by dates of certifications. Hdw. 12 x 14 x 30. Pub. welf. off.

442. CLAIMS, 1934-36. 4 file boxes.

Claims by physicians for services rendered old-age pension recipients, showing date and amount of claim, names of recipient and physician, nature of service rendered, and appropriation and warrant numbers. Arr. by dates of claims. Hdw. 10 x 5 x 14. Aud. off.

443. RECEIPTS FOR REPAYMENT, 1936-. 1 vol.

Copies of receipts for reimbursement of amounts previously paid by county welfare department for assistance, showing date, number and amount of receipt, names of payer and recipient, and amount and nature of assistance. Arr. alph. by names of recipients. Hdw. 200 pp. 18 x 10 x 1. Pub. welf. off.

444. QUIETUS, 1936-. 1 vol.

Auditor's quietus to welfare director in exchange for treasurer's receipts given for repayment of assistance, showing dates, numbers and amounts of receipt and quietus, and names of payee and fund. Arr. by dates of quietuses. Hdw. 55 pp. 14 x 12 x 1. Pub. welf. off.

XXVI. SURVEYOR

The surveyor is a constitutional officer, elected for a two-year term, without restriction on re-election. The office of surveyor is established in Vanderburgh County under the Constitution of 1851 and the Revised Statutes of 1852.¹ He must furnish bond in an amount fixed by the board of commissioners of not less than \$5,000.²

Following the organization of Vanderburgh County in 1818, a surveyor was appointed by the governor to make official surveys for the county. His appointment was in accordance with a law of January 28th of that year.³ Under the Revised Laws of 1831 the surveyor was appointed by the board of commissioners.⁴ In 1852 he became an elective officer.⁵

The surveyor has charge, under direction of the board of commissioners, of all surveying and civil engineering of the county and superintends all construction and the maintenance

¹ Const., art. 6, sec. 2. 1 Rev. Stat. 1852; Burns 49-3301; Baldwin 5504.

² Acts 1913; Burns 49-3302; Baldwin 5505.

³ Acts 1817-18 (general), ch. 30, sec. 1.

⁴ Rev. Laws 1831, ch. 102, sec. 1.

⁵ 1 Rev. Stat. 1852, ch. 103, sec. 1.

of county ditches.⁶ He prepares plans and specifications for, and superintends the construction of all bridges, turn-pikes, roads, and levees.⁷ The surveyor is authorized to appoint deputies and assistants as is required, subject to the approval of the board of county commissioners.⁸

For private parties, the surveyor takes acknowledgments of mortgages and of deeds for the conveyance of real estate,⁹ and upon request, makes surveys to establish lines and corners of lands.¹⁰

The surveyor is ex officio a member of the county planning commission.¹¹ He is required to preserve and turn over to his successor a copy of the original field notes of the surveys of the townships in his county¹² and a record of all surveys made by him.¹³ He is required to attend all sessions of the annual road school during his incumbency, the term of this school being not less than one week, with all his expenses paid from the general fund of the county.¹⁴

SURVEYS

445. SURVEYOR'S RECORD, 1832-. 6 vols. (A-E, H).

Record of all surveys made in county, showing date of survey, names of surveyor and township, location and description of land or project, numbers of section and range, plot of survey, and location of corner stones and markings. Arr. by names of twps. For index, see entry 446. Hdw. 250 pp. 18 x 15 x 1½. Surv. off.

446. ROAD AND BRIDGE RECORD INDEX, 1832-. 1 file box. Card index to Surveyor's Record, entry 445, showing names of property owner and ditch, road or bridge, and volume and page reference to recording. Arr. by twps., thereunder alph. by names of projects. Typed. 8 x 6 x 20. Surv. off.

⁶ 1 Rev. Stat. 1852, Acts 1933; Burns 27-101; Baldwin 5737. Acts 1911; Burns 49-3309; Baldwin 5508.

⁷ 1 Rev. Stat. 1852, Acts 1911; Burns 49-3309; Baldwin 5508.

⁸ Acts 1933; Burns 27-102; Baldwin 5738.

⁹ 1 Rev. Stat. 1852, Acts 1857; Burns 49-3317; Baldwin 5519.

¹⁰ 1 Rev. Stat. 1852, Acts 1875; Burns 49-3311; Baldwin 5509.

¹¹ Acts 1935; Burns, 1938 suppl., 26-2301; Baldwin, 1935 suppl., 5205-1.

¹² 1 Rev. Stat. 1852, Acts 1911; Burns 49-3309; Baldwin 5508.

¹³ 1 Rev. Stat. 1852, Acts 1875; Burns 49-3311; Baldwin 5509.

¹⁴ Acts 1925; Burns 49-3323; Baldwin 5520.

447. ORIGINAL FIELD NOTES AND SURVEYS, 1890-. 150 vols. Record of field notes taken while making surveys, showing date and location of survey, locations of corner stones and bench marks, and names of witnesses. Arr. by dates of surveys. Hdw. 8 x 4 x 1/2. Surv. off.

448. FIELD RECORDS, not dated. 99 vols. (1-99). Record of field notes made by surveyor and rough sketches of surveys, showing location and kind of survey. Hdw. 100 pp. 6 x 4 x 1. Surv. off.

DRAINAGE

(See also entry 138)

449. DITCH RECORDS, 1876-1922. 2 vols. Record of ditch repairs, showing date, nature and cost of repair, name and location of ditch, and names of affected landowners. Indexed alph. by names of ditches. Hdw. 400 pp. 20 x 12 x 3 1/2. Surv. off.

450. DITCH RECORDS, 1884-1909. 108 file boxes (1-108). Original documents pertaining to names of ditch, bidder and property owner, location and description of land benefited, amount of assessments, and date of payment. Arr. alph. by names of ditches. Hdw. 10 x 5 x 14. Surv. off.

451. DITCH RECORD INDEX, 1884-1909. 1 file box (A-Z). Index to Ditch Records, entry 450, showing name of ditch and file box reference to papers. Arr. alph. by names of ditches. Hdw. 8 x 6 x 20. Surv. off.

ROADS AND BRIDGES

452. ROAD AND BRIDGE SURVEYS, 1929-. 132 blueprints. Plans of road and bridge constructions, showing name of project, and profiles and cross sections of bridges, roads and culverts. Published at Evansville. Blueprint. No scale given. 36 x 42. Surv. off.

453. SPECIFICATIONS AND VIEWERS' REPORTS, 1922-. 3 file drawers. Petitions for road and bridge construction and repairs, showing date of petition, names of petitioners and project, description and location of project, report of viewers, and engineer's specifications and estimate of cost. Arr. alph. by names of projects. Hdw. 18 x 12 x 24. Surv. off.

454. ROADS OF VANDERBURGH COUNTY, 1922-. 800 blueprints. Drawings of county roads, showing name, number and mileage

of road, percent of grade, and degree of curves. Blueprint. Scale: 1" to 200'. 30 x 48. Surv. off.

455. ENGINEER'S CROSS SECTION BOOK, 1933-. 2 vols.

Field notes of cross sections of county construction projects, showing date of notes, name, location and description of project, and drawings of cross sections. Hdw. Arr. by dates of notes. 100 pp. 6 x 4 x 1. Surv. off.

456. BRIDGE INSPECTION NOTE BOOKS, not dated. 11 vols. (1A-11A).

Field notes of sites inspected for proposed bridge construction, showing cross sections, contours, levels and bridge sites. Indexed alph. by names of bridges. Hdw. 100 pp. 6 x 5 x 1. Surv. off.

457. FRANKLIN STREET BRIDGE, not dated. 1 drawing.

Engineer's drawing of Franklin Street bridge, showing plans and specifications. Drawn by Erickson of Evansville. Black and white. No scale given. 24 x 48. Surv. off.

MAPS

458. VANDERBURGH COUNTY, 1908. 1 map.

Plat map of Vanderburgh County, showing location of ditches, roads and railroads, township, range and section lines, names of property owners, and acreage of property. Drawn by J. W. Davison, Evansville. Colored. Scale: $3\frac{1}{2}$ " to 1 mi. 96 x 60. Surv. off.

459. [VANDERBURGH COUNTY], not dated. 6 maps.

Communication and land tenure maps of townships in county, showing locations of ditches, roads, railroads, watersheds and farms, and names of farm owners. Black and white. Scale: 1,000' to 1". 48 x 72. Surv. off.

460. [EVANSVILLE AND ENVIRONS], 1851-. 524 blueprints. Political and communication blueprints of city of Evansville and environs, showing boundaries of wards, precincts, townships and city subdivisions, and location of cemeteries, roads, ditches and bridges. Blueprint. No scale given. 12 x 24. Surv. off.

XXVII. COUNTY HIGHWAY SUPERVISOR

The highway supervisor of Vanderburgh County is appointed by the board of commissioners under the authority of an act of 1933 and serves at the will of the board. The board may

appoint the surveyor or any other qualified person to the office. But, in event someone other than the surveyor is appointed, he must attend all sessions of the annual road school during his incumbency.¹

From 1879 to 1913, the board of commissioners was constituted by the general assembly a board of turnpike directors for the management of county highways.² This board was abolished by an act of 1913 and the office of superintendent of highways was created. The superintendent was appointed by the board of commissioners and placed in charge of highways.³ This office was abolished in 1933⁴ and the office of highway supervisor substituted.⁵

The highway supervisor has general charge of the repair and maintenance of county highways, bridges, and culverts;⁶ he maps all highways, dividing the roads into districts, giving each road a separate name or number, and setting forth the length and character thereof, and the kind and volume of traffic for the purpose of uniform maintenance.⁷ He exercises police power in the control of highways and may fix the limit of loads for any highway, bridge, or culvert.⁸ He establishes standards for maintenance according to topography, nature, and volume of traffic, the availability of repair materials, drainage, and the financial resources of the county; and makes a complete itemized estimate of the cost of repair and maintenance of highways, bridges, and culverts for the annual budget.⁹ He attends all the regular meetings of the board of commissioners and advises with them concerning repair and maintenance of the county roads.¹⁰

The records of the highway supervisor are: Maps of the highway system made by him,¹¹ reports of work in progress,¹²

¹ Acts 1933; Burns 36-1110; Baldwin 8708.

² Acts 1879 (general), ch. 115, sec. 1.

³ Acts 1913, ch. 330, sec. 1.

⁴ Acts 1933; Burns 36-1113.

⁵ Commissioners' Record, W 1:329. Acts 1933; Burns 36-1110; Baldwin 8708.

⁶ Acts 1933; Burns 36-1102, 36-1110; Baldwin 8700, 8708.

⁷ Acts 1933; Burns 36-1109, 36-1110; Baldwin 8707, 8708.

⁸ Acts 1933; Burns 36-1102; Baldwin 8700. The act names the surveyor, but the highway supervisor performs all such duties under authority of the act of 1933; Burns 36-1110; Baldwin 8708.

⁹ Acts 1933; Burns 36-1103; Baldwin 8701. Bateman v. State, -- Ind. --, 14 N. E. (2d) 1007.

¹⁰ Acts 1933; Burns 36-1104; Baldwin 8702.

¹¹ Acts 1933; Burns 36-1109; Baldwin 8707.

¹² Acts 1933; Burns 36-1106; Baldwin 8704.

monthly reports to the board of commissioners of all work done, and an annual report of his work, with a complete statement of all expenditures under his supervision.¹³

461. HIGHWAY DEPARTMENT CURRENT LEDGER FOR MISCELLANEOUS EXPENSE, 1924-. 5 vols. (3-6, and 1 vol. not numbered).

Record of expenditures for labor and miscellaneous purchases for maintenance of highways, showing date and nature of expenditures, number and amount of warrant, district number, and names of payee and road. Arr. by dates of expenditures. Hdw. 250 pp. 16 x 18 x 2. 4 vols., 1924-Dec. 22, 1932, aud. stor. rm., bsmt.; 1 vol., Dec. 24, 1932-, aud. off.

462. GAS AND OIL REPORTS, 1937-. 1 vol.

Record of expenditures for gas and oil used in operation of trucks and tractors for maintenance of highways, showing date of report, truck or tractor number, name of driver, speedometer reading, amount of gas and oil used, and approximate number of miles per gallon. Arr. by dates of reports. Hdw. 100 pp. 12 x 14 x 1. Aud. off.

463. VANDERBURGH COUNTY GARAGE, MISCELLANEOUS, 1933-34. 4 bdls.

Requisitions and orders for highway equipment and materials, showing dates of requisition and order, kind and amount of material, and name of vendor. Arr. by dates of orders. Hdw. 12 x 18 x 4. Aud. stor. rm., bsmt.

¹³ Acts 1933; Burns 36-1104; Baldwin 8702.

XXVIII. MINERS' EXAMINATION BOARD

In 1911 the occupation of mining was declared a hazardous occupation, and the commissioners of counties with active coal mines were required to appoint a miners' examination board.¹ This board, which was reorganized by an act of 1923, consists of two resident coal miners with at least five years' experience in mining coal and engaged in that business in the county, and one mine operator, also a resident of the county. The appointments are made on the first Monday in January of each year, and minors and operators may make recommendations,

¹ Acts 1911, ch. 276, sec. 1.

individually or collectively, to the board of commissioners before each appointment. A county must have a mine employing ten or more miners before an examination board must be established.² The board shall choose from their number a president, a secretary, and a treasurer, who must take an oath to perform their duties faithfully and the treasurer gives bond to the auditor in the sum of \$500. The county council will appropriate and the county treasurer will pay the members \$4.00 per day and expenses whenever they are engaged in the actual performance of duties.³

The board examines publicly all applicants desiring to work as coal miners, issues permits to those wishing to qualify as miners and certificates to those who pass the examination successfully. In order to work in any coal mine in Indiana a man must obtain a certificate of competency, and qualifications from the miners' examination board of some county in the state or from a similar board in another state, or in case of a man learning the trade, a permit to work with a qualified miner as helper.⁴ Upon completion of two years' experience under a certified miner, a permittee may apply for a certificate.⁵

The board issues certificates of efficiency to qualified and experienced miners. The examination for this certificate will be passed by satisfactory evidence of experience in mining and sufficient knowledge of dangerous gases and explosives; this evidence is to be determined by the applicant's appearance before the board and intelligently answering 15 questions in regard to gases, combustibles and explosives, preparation of shots, and timbering.⁶

A refusal of a certificate or permit may be appealed to the circuit or superior court of the county, and the secretary of the board must furnish the applicant a copy of the questions and his answers to the examination without charge.⁷

The board keeps a permanent record of registration of all applicants,⁸ and accurate records, in permanent form, of all

² Acts 1923; Burns 46-1001; Baldwin 11073.

³ Acts 1923; Burns 46-1002; Baldwin 11073.

⁴ Acts 1923; Burns 46-1006; Baldwin 11073. Acts 1923, 1937; Burns, 1938 suppl., 46-1013; Baldwin, 1937 suppl., 11074. Acts 1923; Burns 46-1003, 46-1006, 46-1010; Baldwin 11073.

⁵ Acts 1923; Burns 46-1010; Baldwin 11073.

⁶ Acts 1923; Burns 46-1006, 46-1007; Baldwin 11073.

⁷ Acts 1923; Burns 46-1005; Baldwin 11073.

⁸ Acts 1923; Burns 46-1004; Baldwin 11073.

proceedings of all sessions held by them.⁹ The board reports to the board of commissioners each January the names of applicants, the amount of money received and disbursed, and the names of persons awarded or refused certificates or permits.¹⁰

Examinations in Vanderburgh County, a county employing less than 150 miners, are given on the first Wednesday of January, April, July, and October.¹¹

464. MINUTE BOOK MINER'S EXAMINING BOARD, 1911-. 1 vol. Minutes of meetings of miner's examination board, showing date of meeting, names of members present, business discussed, and action taken. Arr. by dates of meetings. Hdw. 378 pp. 16 x 12 x 1½. Miners' examination board off.

465. APPLICATIONS FOR QUALIFICATION CERTIFICATES AS MINERS, 1911-. 3 vols. Record of applications for certificates as qualified miners, showing date and number of application, name, address, nationality and birthplace of applicant, and duration of employment as miner. Indexed alph. by names of applicants. Hdw. 398 pp. 18 x 12 x 2. Miners' examination board off.

466. APPLICATION FOR PERMIT TO WORK WITH A QUALIFIED MINER, 1912-. 1 vol. Record of applications for permits to work with qualified miners, showing date and number of application, names, addresses, nationalities and birthplaces of applicant and father, and duration of employment as miner. Indexed alph. by names of applicants. Hdw. 400 pp. 18 x 12 x 2. Miners' examination board off.

467. ACCOUNT BOOK, 1911-. 1 vol. Record of receipts and disbursements of all funds, showing date, amount and nature of receipt or disbursement, and name of payer or payee. Arr. by dates of receipts or disbursements. Hdw. 372 pp. 18 x 12 x 2. Miners' examination board off.

468. [FEES PAID AUDITOR], 1911-. 1 vol. Record of receipts for payment of fees to county auditor, showing date and number of receipt, amount of payment, and name of recipient. Arr. by dates of receipts. Hdw. 150 pp. 12 x 10 x 1. Miners' examination board off.

⁹ Acts 1923; Burns 46-1006; Baldwin 11073.

¹⁰ Acts 1923; Burns 46-1005; Baldwin 11073.

¹¹ Acts 1923; Burns 46-1006; Baldwin 11073.

XXIX. COUNTY PLANNING COMMISSION

The Vanderburgh County Planning Commission, as established under the law of 1935, consists of eight members. One is a county commissioner and another is the county surveyor. These two members and the other four members are designated and appointed by the board of commissioners. In addition, the county agricultural agent, is an *ex officio* member; also, the city planning commission of Evansville selects one of its members to serve *ex officio*.¹

The members of this commission are to serve without compensation, but they may be allowed a reasonable amount for expenses. They adopt their own rules and regulations, and keep a permanent and complete record of proceedings, meetings, hearings, orders, and decisions.²

The commission has employed a secretary who serves as the administrator in all matters of building in the county. He is recommended by the planning commission and appointed by the board of commissioners. For his administrative work, he receives a salary, but is not paid for his secretarial duties.³

This commission is to plan for a future program: To provide healthful, convenient, safe, and pleasant living conditions; to afford opportunity for the utilization of natural resources, and the various talents of individuals; to realize the greatest benefit from natural, agricultural, industrial, and economic resources; and to organize a system in co-operation with the state planning board.⁴

The commission may furnish information, advice, and reports to any county officer; and it may prepare and submit drafts of ordinances to the board of commissioners for the purpose of carrying out the plans of the commission.⁵

469. MINUTE BOOK, 1936-. 1 vol.

Record of minutes of meetings of county planning commission, showing date of meeting, names of members present, nature of business discussed, and action taken. Arr. by dates of meetings. Typed. 12 x 10 x 1. Planning comm. off.

¹ Acts 1935; Burns, 1938 suppl., 26-2301; Baldwin, 1935 suppl., 5205-1.

² *Ibid.*

³ Acts 1935; Burns, 1938 suppl., 26-2302; Baldwin, 1935 suppl., 5205-2. Letter of April 27, 1939, from Edward C. Kerth, secretary, Vanderburgh County Planning Commission.

⁴ Acts 1935; Burns, 1938 suppl., 26-2303; Baldwin, 1935 suppl., 5205-3.

⁵ Acts 1935; Burns, 1938 suppl., 26-2309; Baldwin, 1935 suppl., 5205-9.

470. EXPENSE AND APPROPRIATION FUNDS, 1936-. 1 vol.

Record of appropriations and disbursements, showing date and amount of appropriation, date, amount and purpose of disbursement, and name of payee. Arr. by dates of appropriations. Typed. 50 pp. 7 x 10 x ½. Planning comm. off.

471. INDEX CARDS FOR ELECTRIC INSPECTION, Feb. 18-March 24, 1937. 1 file box.

Index to homes inspected for electrical defects after flood of 1937, showing date of inspection, location of home, amount of damage, order to repair, and names of owner and inspector. Arr. alph. by names of owners. Typed. 6 x 5 x 16. Planning comm. off.

472. INDEX CARDS, 1936-. 1 file box.

Index cards to construction projects requiring building permits, showing name of owner, size and location of building, construction cost per room, and date and number of permit. Arr. alph. by names of owners. Typed. 6 x 5 x 16. Planning comm. off.

473. [RECORD OF PERMITS], 1936-. 1 vol.

Record of all permits issued for construction, repair or alteration of buildings, showing date, number and kind of permit, description and location of project, names of owner and inspector, and amount of fees. Arr. by dates of permits. Hdw. 20 x 17 x 4. Planning comm. off.

474. BUILDING PERMIT, 1936-. 1 binder.

Copies of permits for construction or repair of buildings, showing date, number and type of permit, names of owner, contractor, architect and inspector, location and description of project, cost of construction, and amount of fees. Arr. by permit nos. Hdw. 10 x 10 x 9. Planning comm. off.

475. [CONSTRUCTION PLANS], 1936-. 700 blueprints.

Plans of residences costing over \$1,000 for construction, showing construction plans of all buildings and walks or drives, location of lot lines, name of owner, and date and number of permit. Blueprint. Scale varies. 16 x 12. Planning comm. off.

XXX. COUNTY AGRICULTURAL AGENT

The agricultural agent of Vanderburgh County is appointed by the director of agricultural extension service of Purdue University, subject to the approval of the state county agricultural agent board, under authority of an act of 1913, as amended in 1937. His qualifications are prescribed by the

board, and his salary, of not less than two thousand dollars annually, is paid from county and state funds through Purdue University.¹

The office of county agent was created in Vanderburgh County during the year ending June 30, 1916, under an act of 1913, upon petition of residents of the county, and continued until 1937, when the amendatory act made the office mandatory. This agent, then commonly, as now legally, called agricultural agent, was appointed annually by Purdue University, subject to approval of the state and county boards of education. The state paid part of his salary.²

The agricultural agent, under the supervision of Purdue University, co-operates with farmers' institutes, farmers' clubs, and other rural and civic organizations; conducts practical farm demonstrations, boys' and girls' clubs and contest work and other movements for the advancement of agricultural and country life; gives advice to farmers on practical farm problems; and aids the superintendents of schools and the teachers of the county in giving practical education in agricultural and domestic science.³

In order to develop extension programs for the improvement and advancement of agriculture, home economics, and rural life, in harmony with federal and state laws, the Vanderburgh County agricultural agent appoints and supervises a home demonstration agent, who also acts as the boys' and girls' 4-H club agent, and other necessary assistants. They are paid by funds appropriated by the county council.⁴

Purdue University approves the records and reports of the agricultural agent's activities and also authorizes the payment of monthly bills covering salaries and expenses to be paid from county funds.⁵

REPORTS

476. COUNTY AGENT'S ANNUAL AND MONTHLY REPORTS, 1926-. 1 file drawer.

Annual reports to Purdue University relative to extension

¹ Acts 1913, 1923, 1927, 1937; Burns, 1938 suppl., 28-4911; Baldwin, 1937 suppl., 6457.

² Acts 1913, ch. 24, sec. 12. *Fifth Annual Report of Purdue University Dept. Agr. Extension*
. . . Year ending June 30, 1916, p. 33.

³ Acts 1913, 1923, 1937; Burns, 1938 suppl., 28-4911; Baldwin, 1937 suppl., 6457.

⁴ Acts 1931; Burns 28-5627; Baldwin 6475.

⁵ Acts 1913, 1923, 1927, 1937; Burns, 1938 suppl., 28-4911; Baldwin, 1937 suppl., 6457.

work supervised by agricultural agent, showing date of report, general account of meetings held, number of farm and home visits, 4-H club statistics, and summary of departmental activities. Arr. by dates of reports. Hdw. 12 x 12 x 28. Agr. agt. off.

477. ANNUAL NARRATIVE REPORT OF HOME DEMONSTRATION AGENT, 1922-. 1 file drawer.

Annual reports to Purdue University of home demonstration agent's activities, showing date of report, names of agent and county, number of farm visits, kind and number of projects, number of meetings held, and number of miles travelled. Arr. by dates of reports. 10 x 12 x 26. Agr. agt. off.

478. RECORD OF HOME ECONOMICS, 1930-. 4 file drawers. Annual reports of activities of home economic classes, showing dates of report and meeting, name and achievement of class, and subjects discussed. Arr. by dates of reports. Typed. 12 x 12 x 28. Agr. agt. off.

479. 4-H CLUB, MEMBERS' RECORD, 1919-. 2 file boxes. Roster of 4-H club members, showing date of enrollment, name of member, kinds of activities, and prizes awarded. Arr. alph. by names of members. Hdw. 10 x 4 x 14. Agr. agt. off.

480. STATISTICAL STATEMENTS, 1919-24. 41 vols. Reports to department of agriculture of farm statistics, showing date of report, names of farm and owner or tenant, amounts of tillable, cultivated and waste lands, and kind and amount of products. Arr. by dates of reports. Hdw. 50 pp. 18 x 16 x 1/2. Agr. agt. off.

CLAIMS

481. BILLS, 1931-. 1 file drawer. Bills for agricultural agent's expenses, showing date, number and amount of bill, name and address of vendor, and date of payment. Arr. by dates of payments. Hdw. 10 x 12 x 26. Agr. agt. off.

MAPS

482. CITY OF EVANSVILLE AND SUBURBS, 1929. 1 map. Communication map of city of Evansville and suburbs, showing lots, parks, cemeteries, streets, railroads, and railroad yards. Published at Evansville by Smith and Butterfield. Printed. Scale: 1" to 400'. 48 x 36. Agr. agt. off.

INDEX

Figures in parentheses refer to pages; figures unenclosed,
to entry numbers

- Abbreviations, (93-97)
Absent voter, ballot, 384
Abstract
 certificate, old-age pen-
 sion, 127, 128
 title, 299
Acceptance notice
 Franklin Street Bridge, 30
Account book, miners' exam-
 ination board, 467
Accounts, state board of, (74)
 audits, 324
Administration, general, *see*
 Vanderburgh County, gen-
 eral administration
Administrator
 bond, to sell real estate,
 214
 inventory, 218, 221
 letter, 213
 oath, 213
 see also Estate; Executor;
 Guardian; Probate causes;
 Will
Adult, juvenile causes, 245,
 246
Affidavit, (62)
 assessment, domestic cor-
 poration, 291
 common pleas, court of,
 137
 criminal, 157, 159, 278
 intangible tax, (29)
 juvenile causes, 245, 246,
 251
 marriage, 49
 mortgage exemption, 361
 patent right, 65
 redemption, *lis pendens*,
 174
 registration, (206)
 tax exemption, soldier, 36
 transfer, real estate, 356
 will, 117
Agreement, lien, 109
Agricultural agent, (19),
 (240), (241)
 annual report, 476-78
 appointment, (240)
 disbursements, 481
 duties, (65), (241)
 present, (viii)
 records, 476-82; location,
 (88)
Alcoholic liquor, license, 8
Alien, *see* Naturalization
Allowance
 commissioners, board of,
 (46-49), 19-22
 court expense, 342
 docket, 204
 old-age assistance, 428
 poor relief, 351
 sheriff, 345
Anthony, James, (7), (8),
 (99)

- Appeal
 - bond, 184
 - supreme court, 183
- Appearance
 - bond, criminal, 161
 - summons, 177
- Application to pay, 375
- Appointment
 - assessor, deputy, 378
 - civil, 135
 - election sheriff, 394
 - guardian, 210, 211
 - official, (12), (13), 73;
 - deputy, 73
- Apportionment, county funds, 341
- Appraisement, inheritance tax, *see* Inheritance tax
- Appropriation, (22), (26), (43-48)
 - council, county, (109), 37, 38
 - county funds, 334
 - planning commission, 470
- Army, U. S., *see* Military records
- Articles
 - association, 112, 118
 - incorporation, 112, 113, 118
- Assessment, (30-35)
 - adjustment, 290
 - automobile, 283
 - corporation, domestic, 291, 357
 - ditch, 310-12, 350
 - personal property, 359
 - petition, (35)
 - real estate, 360
 - schedule, 359, 360
 - see also* Assessor; Land; Lot;
 - Personal property; Real estate; Taxation
- Assessor, (19), (21), (28), (29), (31), (32), (177-79)
 - bond, (177)
 - book, 358
 - deputy, appointment, (21), 378
 - duties, (178)
 - election, (177)
 - present, (vii)
 - qualifications, (177)
 - records, 281-88; location, (85)
 - see also* Assessment
- Assignment, 118
 - estate settlement, 229
 - mortgage, 106
 - order book, 229
 - receivership, 229
 - see also* Chattel mortgage; Mortgage
- Assistance, *see* Blind assistance; Dependent children; Old-age assistance; Poor relief; Public welfare, department of; Township, trustee
- Association, articles of, 112, 118
- Atlas, Vanderburgh County, 411
- Attorney
 - county, (101); present, (viii)
 - power of, *see* Power of attorney
- Auditor, (19), (21), (25), (26), (29), (31), (32), (34), (36), (193-95)
 - application to pay, 375
 - apportionment, 341
 - appropriation, (44), 334
 - bond, (193)
 - cash balance, 332
 - distribution, 340
 - duties, (43), (182), (183), (185), (194), (195), (226)
 - election, (193)

Auditor (cont.)

- fee and cash book, (195), 333
- present, (viii)
- quietus, 347, 444
- receipts, 334; register, 335
- records, 324-81; location, (86)
- report to state auditor, 352
- settlement sheet, 339
- tax duplicate, (29), (32), (33), (38), 303
- term, 193
- transfer book, (33), (195), 355
- warrant, (46-49), (188), (194), (195), 319, 336
- Audubon, John J., (6)
- Australian ballot system, (208), (209), (213)
- Automobile assessment, 283
- Award, 418, 423, 425
- Bailiff, (47)
- Ballot, (211), (213), (214)
 - absent voter, 384
 - sample, 387, 392
- Bank, *see* Depository
- Bankruptcy, *see* Receivership
- Bar docket
 - civil, circuit court, 134
 - criminal, circuit court, 155
 - probate court, 234
 - superior court, 192
- Bench warrant, sheriff, 264
- Bibliography, (89-93)
- Bid, (23), (62), 12-14, 18
 - accepted, 12, 14, 16
 - bridge, 16; Franklin Street, 30
 - road, 17
 - submitted, 18
- Bill of sale, 118, 126, 223
 - guardian, 210, 211
- Birkbeck, Morris, (5)
- Births, (68), 412, 416
- Blind assistance, (69), (225)
 - application, 437, 438; investigator's report, 439
 - award, 418
 - recommendation, 418
 - school, (70)
 - see also* Public welfare, department of
- Blueprint
 - bridge, 31
 - residence plans, 475
 - road, 31, 454
- Board, *see* specific names
- Boehne Hospital, (67)
 - bond issue, (42)
 - food supply, 6
- Bond, (25), (29), (62)
 - administrator, to sell real estate, 214
 - appeal, circuit court, 184
 - civil, 135
 - commissioner, to sell real estate, 217
 - common pleas, court of, 137
 - constable, 43
 - contractor, 12, 17; Franklin Street Bridge, 30
 - coupon, redeemed, 10
 - criminal, 157, 161
 - deputy, (21)
 - executor, 212
 - guardian, 210, 211, 215; to sell real estate, 216
 - indebtedness, (41)
 - issue, county, (41-43), 9
 - justice of the peace, 43
 - material and supplies, contractor, 12
 - notary public, 44, 45
 - official, county, 40, 42,

Bond (cont.)

- 376, 377; index, 41; township, (195), 377
- redeemed, 10
- replevin, 270
- road, 11, 13
- surety, deed, 93
- Boon, Col. Ratcliff, (6)
- Bridge, (25), (60), (100), (235)
 - bid, 16
 - blueprint, 31
 - contract, 16
 - Franklin Street, (42), 30, 457
 - petition, 453
 - Pigeon, (43)
 - plans, (61), 452; Franklin Street, 457
 - site, 456
 - specifications, (61), 27, 453
 - survey, 445; index, 446
 - viewer's report, 16, 27, 453
- Brumfield, David, (7), (99)
- Budget, (22), (30), (36-38), (44), (112), (183), (194), (235)
- Building, (23), (25)
 - permit, 472-74
 - plans, 475
 - specifications, 27
 - viewer's report, 27
- Burbank, John, (13)
- Burial
 - military, 21, 22
 - permit, (222)
- Cancellation
 - mortgage, 106
 - public welfare, 418
- Candidate
 - declaration, (209), 388
 - expenditures, 389, 393
- Canvassers, board of, (19), (210), (211)
 - duties, (73), (211)
 - members, (210)
 - present, (viii)
 - records, 390, 391; location (86)
 - votes cast, 390, 391
- Carpenter, A. B., (13)
- Carpenter, Willard, (13)
- Cash
 - balance, auditor, 332; clerk, (113), 77; treasurer, 315, 316
 - statement, clerk, 77
 - see also* Cashbook; Disbursements; Funds; Receipts
- Cashbook, (49)
 - auditor, (195), 333
 - clerk of the circuit court, (113), 78-81
 - disbursements, coliseum, 33
 - fees, circuit court, 188
 - probate court, 258
 - receipts, coliseum, 33
 - recorder, 130
 - sheriff, (168), 273
 - treasurer, (189)
 - see also* Cash; Disbursements; Funds; Receipts
- Causes, *see* Civil causes; Criminal causes; Epileptic; Estate; Feeble-minded; Guardian; Insane; Juvenile causes; Probate causes
- Cemetery, deed, 89
- Census
 - males, 380
 - school children, 400
- Certificate
 - allowance, sheriff, 345
 - change of venue, 169
 - coal miner, (65)
 - contractor, ditch, 350

Certificate (cont.)

corporation, 70, 71
 dentist, 55
 deputy assessor, 378
 dissolution, partnership,
 114
 drugless physician, 53
 election, (73), (211)
 farm name, 124
 firm, 70, 71
 insurance, 63
 marriage, 48
 miner, (65), (237), 465
 nomination, (214)
 nurse, (113), 58
 old-age, assistance, (69),
 (225); pension, 127, 128
 optometry, 56
 partnership, 70, 71
 physician, (66), 50, 51
 redemption, 369
 revocation, corporation,
 114
 sale, *lis pendens*, 173; sher-
 iff, 269
 tax, error, 370; sale, 367,
 368
 trustee, 118
 Vincennes, cash, (5)
see also License; Permit; spe-
 cific titles
 Change of venue, 169, 343
 Chattel mortgage, 97, 104
 minute book, 101; index,
 102
 original, 103
 unclaimed, 105
see also Assignment; Mortgage
 Check
 cancelled, clerk, 83; pub-
 lic library, 321; treas-
 urer, 320
 Children, *see* Dependent chil-
 dren; Juvenile causes;
 School

Circuit court, (10), (11), (31),
 (34-36), (46), (132-37)
 affidavit, criminal, 159
 bond, appeal, 184; appear-
 ance, 161
 causes, depositions, 186;
 disposed of, 135, 157,
 index, 136; venued, 169
 clerk, *see* Clerk of the cir-
 cuit court
 complete record, 152
 docket, bar, 134, 155; clerk,
 140, 162; entry, 131, 132,
 156; execution, 148; is-
 sue, 131, 142; judge, 141,
 163; judgment, 146; sher-
 iff, 259; support, 189
 execution, 149
 fee book, 131, 153, 165
 fees, witness, 183
 first session, (10)
 habeas corpus, 158
 judge, (19); associate, (7);
 election, (132); first,
 (7); powers, (135); pres-
 ent, (vii); president,
 (133); term, (132)
 judicial circuits, (132),
 (133)
 jurisdiction, (51), (52),
 (135), (136), (149), (150)
 juror's time book, 167
 jury service, 166, 167, 265
 minute book, clerk, 139
 new trial, 185
 officers, (137)
 order book, civil, 143;
 criminal, 164
 original documents, civil,
 135; criminal, 157
 power, (137)
 praecipe, execution, 170
 records, 131-89; location,
 (84)

Circuit court (cont.)

- summons, 135, 177
- Citizenship, *see* Naturalization
- Civil causes, (52)
 - docket, bar, 134; civil, 240; clerk, 140, 192, 234; entry, 131-33, 233; execution, 150, 197, 243; issue, 131, 142, 233; judge, 141, 194, 225, 239; judgment, 146, 147, 196, 242, 259, 261, 266
 - execution, 244: sheriff, 266, 267
 - fee book, 131, 153, 233
 - habeas corpus, 158
 - judgment, 115
 - minute book, 139, 193
 - order book, 143, 144, 195, 240
 - original documents, 135, 137, 191, 235; index, 136
 - receivership, 145
 - time book, juror, 257
 - will, 115
- Civil War, *see* Military records
- Claim, (24-26), (45), (49)
 - commissioners, board of, 19, 20
 - court expense, 342
 - docket, entry and allowance, 204
 - guardian, 210, 211
 - physician, 442
 - poor fund, 351
 - public welfare, department of, 440, 441
 - road, gravel, 23
- Clark, Gen. George Rogers, (3)
- Clerk of the circuit court, (17), (19), (21), (110-13)
 - bond, (110)
 - cash balance, (113), 77
 - cashbook, (113), 78-81
 - check, cancelled, 83
 - disbursements, daily balance, 77
 - duties, (52), (68), (110-13), (137), (150), (151), (156)
 - election, (51), (110)
 - fees and forfeitures, (113), (184), 325
 - present, (vii)
 - receipts, 77
 - records, 40-84; location, (84), (113)
 - see also* Registration officer
- Clerk's docket, circuit court, 162
- Coliseum directors, board of minutes, 32
- Commissioner, master, (47)
- Commissioner's bond to sell real estate, 217
- Commissioners, board of, (7-10), (19), (21-26), (99-102)
 - allowance, (46-49), 19
 - appeal, (102)
 - claim, 19, 20
 - election, (99)
 - first, (99)
 - functions, (43), (50), (54), (59-65), (67), (72), (100-102)
 - legal notice, 2
 - members, (99)
 - minutes, 1
 - papers, road construction, 25
 - power, (59)
 - present, (vii)
 - public, buildings, (62); property, (63)
 - records, 1-35; location, (84)
- Commitment
 - criminal, 157
 - epileptic, 238
 - feeble-minded, 238

Commitment (cont.)

- insane, 236
- jail, 271, 272
- Common pleas, court of, (134)
 - clerk, (112)
 - complete record, 232
 - docket, entry, 133; execution, 150; judgment, 147
 - fee book, 154
 - inventory, 219, 221
 - order book, 144
 - original documents, 137
- Communication map
 - Evansville, 381, 460, 482
 - Vanderburgh County, 275, 286, 287, 323, 410, 459
- Complaint, 191
 - civil, 135, 235
 - common pleas, court of, 137
 - lis pendens, 171
- Complete record
 - circuit court, 152
 - common pleas, court of, 232
 - probate court, 231
- Conciliation, court of, (135)
- Constable, bond, 43
- Constitution of 1816, (17)
- Constitution of 1851, (18)
- Contract, (23), (24), 12, 14
 - bridge, 16, 30
 - executed, 12, 14
 - Franklin Street Bridge, 30
 - materials and supplies, 12
- Contractor
 - bond, 17
 - lien, prevention, 109
- Cook, Frederick Washington, (15)
- Cook's Brewery, (15)
- Coroner, (7), (17), (19), (21), (171), (172)
 - bond, (171)
 - duties, (53), (54), (168), (172)
 - election, (171)
 - inquest, (52), (172), 276, 277
 - present, (vii)
 - records, 276, 277; location, (85)
 - witness fees, 344
- Corporation
 - assessment, 357; affidavit, 291
 - certificate, 70, 71
 - domestic, statement, 291, 357
 - revocation, 114
- Costs, *see* Fees
- Council, county, (19), (22), (29), (108), (109)
 - appropriation, (38); ordinance, (44), (45), 37; petition, 38
 - election, (108)
 - functions, (36), (43), (109)
 - members, (108); oath, 39; qualifications, (108)
 - minutes, 36
 - ordinance, appropriation, (44), (45), 37; borrowing, (41)
 - present, (vii)
 - records, 36-39; location, (84), (109)
- County institution, *see* Institution
- County officials, *see* Officials, county
- Coupon, *see* Bond
- Court, *see* Circuit court; Common pleas, court of; Criminal court; Probate court; Superior court; Supreme court; Vanderburgh County, judicial system
- Court reporter, (47)
- Courthouse, *see* Vanderburgh County

- Criminal causes, (52)
 affidavit, 157, 159, 278
 docket, bar, 155; clerk,
 162; entry, 156; judge,
 163; prosecutor, 279;
 sheriff, 260, 266
 execution, sheriff, 266, 267
 fee book, 165
 index, 280
 order book, 164
 original documents, 157
 Criminal court, (81), (112),
 (135)
- Davis, Benjamin, (13)
- Death, (67), returns, (68),
 415, 416
- Deed
 cemetery, 89
 delinquent tax, 368
 real estate, 86; index, 87
 surety bond, 93
 tax sale, 92
 uncalled for, 88
- Delaware Indians, (3)
- Delinquency, juvenile, *see* Ju-
 venile causes
- Delinquent tax, *see* Taxation
- Demurrer, 191
 civil, 135, 235
 common pleas, court of, 137
- Denial, 191
 civil, 135, 235
 common pleas, court of, 137
 criminal, 157
- Dentist
 certificate, 55
 license, (112), 54
- Dependent children, (70),
 (71), (224), (225)
 application, 432, 433
 award, 418
 investigator's report, 434
 payment, 435
 recommendation, 418
 statistical report, 436
see also Public welfare, de-
 partment of
- Depository, (47), (184), (185)
 deposit slip, 320
 disbursements, 318
 intangible tax, 328
 interest, 297
 liquidation, 241
 warrant, 318
- Disbursements
 agricultural agent, 481
 auditor, 334, 337
 candidate, election, 389,
 393
 cashbook, clerk, 79, 81;
 coliseum, 33
 county funds, 334, 336
 depository, 318
 gravel road, 349
 highway, maintenance, 29;
 supervisor, (236), 461,
 462
 infirmary, 4
 miners' examination board,
 467
 planning commission, 470
 public improvements, 348
 sailors' and soldiers' me-
 morial coliseum, 35
 support docket, 189
 township trustee, 22, 329,
 330
 treasurer, (189), 317
 warrant, 318, 319, 336
see also Cash; Cashbook;
 Funds; Receipts
- Disease, contagious, (67),
 (68), 414, 416
- Dissolution certificate
 partnership, 114
- Distribution, auditor, funds,
 339, 340

Ditch

assessment, 312, 350
 duplicate, (194), 311
 original documents, 450;
 index, 451
 petition, 138
 repair, 449; assessment, 310
 survey, 445; index, 446
see also Drainage; Surveyor

Dog tax, 331

Drainage, (2), (25), (61)

 petition, 138

see also Ditch; Surveyor

Drugless physician

 certificate, 53

 license, 52

Duelling, (7)

Duplicate, *see* Ditch; Taxation

Edinburgh Review, (5)

Education, board of, (19),
 (216)

 functions, (216),

 members, (56), (216); qual-
 ifications, (216)

 minutes, 395

 present, (vii)

 record, 395; location, (86)

see also School; Schools, su-
 perintendent of; Teacher

Election, (12), (51), (72),
 (73), (100), (209)

 candidate, declaration,
 (209), 388; expenditures,
 389, 393

 certificate, (73), (211)
 general, (73)

 inspector, (211-14)

 poll, book, (73), (212);
 list, (211)

 primary, (72), (73)

 returns, (73), (208), 390-92

 sheriff, deputy, appoint-
 ment, 394

see also Election commis-
 sioners, board of; Primary
 election commissioners,
 board of; Registration
 officer; Voter

Election commissioners, board
 of, (19), (72), (212-15)
 functions, (214)

 members, (212); appoint-
 ment, (212); qualifica-
 tions, (212)

 present, (viii)

 records, 392-94; location,
 (86)

see also Election; Primary
 election commissioners,
 board of

Electrical inspection, 471

Eminent domain, (25), (61)

Entry book, recorder, 85

Entry docket

 circuit court, 131, 132, 156

 civil, 132

 claim and allowance, 204

 common pleas, court of, 133

 probate court, 233

 superior court, 190

Enumeration

 males, 380

 school children, 400

Epileptic, (225); commitment,
 238

Equalization, board of, (181)

Estate, 209

 assignment, 229

 docket, entry, claim and
 allowance, 204; index, 205

 inventory, 218-22

 partition, 94

 sale bill, 223

 settlement, 228

 tax, transfer, 230

see also Administrator; Execu-
 tor; Guardian; Probate

Estate (cont.)

causes; Will

Estimate, Franklin Street
Bridge, 30

Estray, 74, 76

Evans, Robert M., (8)

Evansville, (7), (8), (18), (77)

communication map, 381,
460, 482

first newspaper, (14)

political map, 84, 288,
381, 460*see also* Vanderburgh County;

Map; Plat

Evansville Gazette, (14)

Excise tax, (27-29)

Execution

circuit court, 149

civil, 135, 267

common pleas, court of, 137
criminal, 267docket, circuit court, 148;
common pleas, court of,
150; probate court, 243;
sheriff, 266; superior
court, 197

judgment, 151

praecipe, 170

probate court, 244

superior court, 198

see also Judgment; Writ

Executor

bond, 212

oath, 212

see also Administrator; Es-
tate; Guardian; Probate
causes; Will

Exemption

mortgage, (35), 361

soldier, (28), 362

Expenditures, *see* Disburse-
ments

Farm

name, 123; certificate, 124

statistical statement, 480

Fee book

auditor, (195), 333

circuit court, 131, 153, 165

common pleas, court of, 154

guardian, 226; index, 227

probate court, 204, 226,
233; index, 205, 227

recorder, 130

recording instruments, 85

sheriff, 168

superior court, 190, 203

see also FeesFeeble-minded, (225); commit-
ment, 238

Fees, (39), (40)

bailiff, (47)

circuit court, witness, 188

clerk of the circuit court,
(113), (184), 325

held in trust, 187

jury, (47)

license, liquor dealer, (41)

master commissioner, (47)

official, county, (39)

probate court, 258

sheriff, (47), 274

witness, (47), 188, 344

writ, foreign, 274

see also Fee book

Ferry, license, 379; rate, (10)

Finance, board of, (19), (184),
(185)

functions, (43), (47), (184)

members, (184)

minutes, 296

present, (viii)

records, 296, 297; location,
(85)

Financial report

county, funds, 322; offi-
cial, 3

schools, superintendent of,

397

Financial report (cont.)

school trustee, 396
 treasurer, 322, 326

Firearms

permit, (112), 66
 sale, 67

Firm

certificate, 70, 71
 inventory, 222

Fiscal control, (43-50)

Fishing license, (112), 68, 69

Flower, Richard, (5)

Forest reservation, (22), 363

Forfeiture, clerk, 325

Four-H Club, (241), 479

Franklin Street Bridge

bond issue, (42)
 construction papers, 30
 plans, 457

Free gravel road, *see* Road

French and Indian War, (3)

Funds, (25), (184), (189)

held in trust, 187
 public welfare, (36)
 road, (40)
 school, *see* School fund
 state, (40), (41)
see also Cash; Cashbook; Dis-
 bursements; Receipts

Goodlett, James R. E., (11)

Governmental organization, *see*
 Vanderburgh County

Graduate, common school, 406

Grand jury

indictment, (53), 160
 jail inspection, (54)

Greenville Treaty, (4)

Guardian

bond, 210, 211, 215; to
 sell real estate, 216
 closed, 210
 docket, 226; index, 227
 fee book, 226; index, 227
 inventory, 210, 211, 220, 221

letter, 210, 211, 215

oath, 215

original documents, 210, 211

see also Administrator; Estate;

Executor; Probate causes;

Will

Habeas corpus, circuit court,
 158

Hall, Samuel, (11)

Hart, David, (7)

Health, board of, (221)

Health officer, (19), (66),
 (221), (222)

appointment, (101), (221)

bond, (221)

duties, (66), (67), (221)

present, (viii)

records, 412-16; location,
 (87)

term, (221)

Highway, *see* Road

Highway supervisor, (19),
 (234-36)

appointment, (60), (101),
 (234)

disbursements, (236), 461,
 462

duties, (60) (65), (235),
 (236)

present, (viii)

records, 461-63; location,
 (87)

see also Road

History, *see* Vanderburgh
 County

Hornbrock, Sanders, Jr., (5)

Hunting license, 68, 69

Income tax warrant, 175

Incorporation, articles of,
 112, 113, 118

Index

application, old-age assist-

Index (cont.)

- ance, 420
- bond, official, 41
- card, construction, 472;
 - electrical inspection, 471
- causes, criminal, 280; dis-
 - posed of, civil, 136
- chattel mortgage, 102
- construction, 472
- ditch, 451
- docket, estate, 205; guard-
 - ian, 227
- electrical inspection, 471
- fee book, probate court, 227
- lien, mechanic's, 108
- mortgage, 98
- plat, 372
- plat book, 96
- quiet title, 91
- real estate, 87
- survey, 446
- will, 207
- Indiana
 - constitution, of 1816, (17);
 - of 1851, (18)
 - early history, (2-4)
 - first constitution, (17)
 - Territory, (3), (17)
- Indians, (2-4); treaties, (4)
- Indictment
 - criminal, 157
 - grand jury, 160
- Infirmary
 - bid, 14
 - bond, (42), (43)
 - contract, 14
 - disbursements, 4
- Inheritance tax, (25), (27),
 - (28), (188)
 - appraiser, (28)
 - notice for hearing, 306
 - order, 125, 230, 307, 327
 - see also* Taxation
- Inquest
 - coroner, (172), 276, 277
 - Insane, (13), (67), (225)
 - commitment, 236
 - inquest, 236, 237
 - Inspection
 - electrical, 471
 - jail, (54)
 - Inspector
 - flour, beef, pork, (12)
 - salt, (12)
 - tobacco, (12), (13)
 - Institution
 - Boehne Hospital, (67); food
 - supply, 6
 - county, (13), (14)
 - epileptic, 238
 - feeble-minded, 238
 - infirmary, bid and contract,
 - (42), (43), 14; disburse-
 - ments, 4
 - insane, 236
 - poor asylum, (68), (71)
 - Riley Hospital, admittance
 - order book, 254
 - school for blind, (70)
 - tuberculosis hospital, pa-
 - tients' report, 5
 - Insurance
 - agent's certificate, 63
 - policies, county property, 15
 - Intangible tax, (29), (41)
 - report, 328
 - stamp, (29), (58); sale,
 - (189), 309
 - valuation, 282
 - Inventory
 - administrator, 218, 221
 - common pleas, court of, 219
 - estate, 218-22
 - guardian, 210, 211, 220, 221
 - school fund, 373
 - Investigator
 - blind assistance, 439
 - dependent children, 434
 - old-age assistance, 422

Investigator (cont.)

- poor relief, 353
- Iroquois Indians, (3)
- Issue docket
 - circuit court, 131, 142
 - probate court, 233
 - superior court, 190
- Jail, (43), (54), (80), (82), (83), (100)
 - commitment, 272
 - cost, (83)
 - first, (77), (82)
 - prisoner, (168), 271
- Jennings, Gov. Jonathan, (7)
- Johnson, Alexander, (9)
- Jones, James W., (8)
- Judge, *see* Circuit court; Common pleas, court of; Criminal court; Probate court; Superior court
- Judge's docket
 - circuit court, 141, 163
 - probate court, 225, 239
 - superior court, 194
- Judgment, (26)
 - certificate of sale, 173, 269
 - civil, 243
 - docket, circuit court, 146; common pleas, court of, 147, 150; probate court, 242; superior court, 196
 - execution, 150, 198
 - probate, 115
 - receipts, 82
 - transfer, 151
 - see also* Execution
- Junk dealer, license, (112), 61, 62
- Jury
 - circuit court, 166, 167, 265
 - coroner, (52)
 - fee, (47)
 - grand, indictment, (53), 160; jail inspection, (54)
 - probate court, 256
 - superior court, 200
 - time book, circuit court, 167; probate court, 257; superior court, 201
 - venire facias, circuit court, 168; probate court, 255; superior court, 199
- Justice of the peace, (51), (52)
 - bond, 43
 - judgment, transfer, 151
- Juvenile causes, (136), (149), (154)
 - adults involved, 245, 246
 - docket, 252
 - original documents, boys, 249; girls, 247
- King George's War, (3)
- Land, (25)
 - acceptance, (22)
 - delinquent tax, 364
 - forest reservation, 363
 - redemption, 82
 - tenure map, Vanderburgh County, 459
 - see also* Assessment; Lot; Real estate; Taxation
- Lane, Gen. Joseph, (6)
- Law, John, (11)
- Lease, 119, 120
- Letter
 - administrator, 213
 - guardianship, 210, 211, 215
- Levy, tax, *see* Taxation
- Library, county, (14)
- License, (194)
 - chiropractor, (112)
 - dentist, (112), 54
 - drugless physician, 52
 - ferry, 379
 - fishing and hunting, (112). 68; monthly report, 69

License (cont.)

junk dealer, (112), 61, 62
 liquor, (41), 7, 8
 marriage, (66), (112), (113),
 46, 47
 midwife, (112)
 optometry, (112), 56
 osteopath, (112)
 peddler, (194)
 physician, (112)
 poultry dealer, (112), 59, 60
 teacher, (217), (218); ex-
 amination, 403, 404
 veterinarian, (113)
see also Certificate; Permit;
 specific titles

Lien

inheritance tax, 125
 mechanic's, 107, 118; in-
 dex, 108
 old-age assistance, reim-
 bursement, (69), (225),
 127, 128
 prevention, 109
 road, (60)
 sire, 110

Liquor

license, (41), 7, 8
 permit, 64

Lis pendens

certificate of sale, 173
 complaint, 171
 notice, sheriff, 172
 redemption affidavit, 174

Livestock

estrays, 74, 76
 mark, 129

Loan, *see* Chattel mortgage;
 Mortgage; School fund, loan

Lot

delinquent tax, 364
see also Assessment; Land;
 Real estate; Taxation

Macadam, *see* Road

Magistrate's court, (19), (53)
 Mandamus, (26)

Map

Evansville, 287; communica-
 tion, 381, 460, 482; po-
 litical, 84, 288, 381, 460
 Vanderburgh County, (235);
 communication, 275, 286,
 287, 323, 410, 459; land
 tenure, 459; political,
 275, 287, 410

see also Evansville; Plans;
 Plat; Vanderburgh County

Marine, *see* Military records

Mark, livestock, 129

Marriage

affidavit, 49
 certificate, 48
 license, (66), (68), (112),
 (113), 46, 47
 returns, (67), 46, 48, 413,
 416

McAllister, Joseph, (7)

McCrery, John, (7)

McGary, Amanda F., (8)

McGary, Col. Hugh, (4-8),
 (10), (11), (134)

Mechanic's lien, 107, 108
 index, 108

Memorial Coliseum

bond issue, (42)

Miami Indians, (3)

Midwife, (112)

Military records

burial, soldier, sailor, ma-
 rine, 21, 22

deceased soldier, 72; or-
 phan, 72; widow, 72

discharge, soldier, 111

exemption, soldier, (28), 362

Miller, Daniel, (8)

Miner

certificate, (65), (237), 465
 permit, (237), 46 6

- Miners' examination board,
 (19), (65), (236-38)
 disbursements, 467
 minutes, 464
 present, (viii)
 receipts, 467
 records, 464-68; location,
 (87)
- Minor, *see* Juvenile causes
- Minute book
 chattel mortgage, 101
 circuit court, 139, 162
 planning commission,
 county, 469
 probate court, 224
 superior court, 193
- Minutes of meetings
 coliseum directors, board
 of, 32
 commissioners, board of, 1
 council, county, 36
 education, board of, 395
 finance, board of, 296
 miners' examination board,
 464
 planning commission,
 county, 469
 public welfare, board of, 417
 review, board of, 289
 tax adjustment, board of, 293
 turnpike directors, board
 of, 24
- Miscellaneous
 instruments, recorder, 118
 papers, clerk, 75
- Moratorium tax, duplicate, 313
- Mortgage
 assignment, 106
 cancellation, 106
 exemption, (35), 361
 index, 98
 real estate, 100
 record, 97
 satisfaction, 106
 school fund loan, 99, 298, 374
see also Assignment; Chattel
 mortgage
- Motion, 191
 civil, 135, 235
 criminal, 157
 new trial, 185
- National Guard, *see* Military
 records
- Naturalization, (136), (150),
 (155)
 declaration of intention,
 (111), 178
 final oath, 180
 granted, 179
 statement, 181
- Navy, U. S., *see* Military
 records
- New trial, motion, 185
- Newman, James, (9)
- Newspaper, (5), (14), (15),
 (23)
- Northwest Territory, (3),
 (16), (17)
- Notary public, bond, 44, 45
- Notes, explanatory, (97), (98)
- Notice
 hearing, assessment adjust-
 ment, 290; inheritance
 tax, 306
 juvenile causes, 251
 lis pendens, 172
 publication, 2
- Nurse
 certificate, (113), 58
 school for, (67)
 trained, 57
- Oath, (21)
 administrator, 213
 county council, 39
 deputy, (21)
 executor, 212

Oath (cont.)

- guardian, 215
- naturalization, 180
- official, 73; deputy, 73
- prosecuting attorney, (174)
- review, board of, 292
- taxpayer, (31)
- Officials, county
 - appointment, 73
 - audit, 324
 - bond, 40, 42, 376, 377;
 - index, 41
 - deputy, (21); appointment, 73; oath, 73; resignation, 73
 - fees, (39), (40)
 - financial report, 3
 - first, (7)
 - oath, (21), 73
 - precinct, (215)
 - present, (vii-ix)
 - resignation, 73
 - see also* Vanderburgh County
- Old-age assistance, (69), (71), (224), (225)
 - allowance, 428
 - application, 421, 427; card
 - index, 420
 - award, 418, 423, 425
 - cancellation, 418
 - certificate, (69), (225), 127, 128
 - change, 418
 - investigator's report, 422
 - modification, 418
 - payment, 423; warrant, 338
 - recommendation, 418
 - rejection, 418, 426
 - repayment, 443
 - revocation, 418
 - statistical report, 429-31
 - transfer, 424
 - see also* Public welfare, department of
- Omitted property, (178)

- personal, (29), (31)
- Opinion, supreme court, 183
- Optometry
 - certificate, 56
 - license, (112), 56
- Order
 - county, (13)
 - praecipe, 170
 - tax, inheritance, 230, 307, 327; transfer, 230
 - see also* Order book; Warrant; Writ
- Order book
 - assignment, estate, 229; receivership, 229
 - bank liquidation, 241
 - circuit court, 143, 164
 - common pleas, court of, 144
 - probate, 228; assignment, 229
 - probate court, 228, 240; juvenile, 253
 - Riley Hospital, 254
 - superior court, 195
 - see also* Order
- Ordinance, county, (41), (44), (45), 37
- Ordinance of 1787, (3), (17)
- Orphan asylum, 419
- Ouiatanon, fort, (2)
- Partition, estate, 94
- Partnership
 - certificate, 70, 71
 - dissolution, 114
 - surviving, 222
- Patent right, (112), 65
- Pauper, (13)
- Payment
 - delinquent, school fund loan, 300, 301
 - dependent children, 435
 - extension, school fund loan, 302

Payment (cont.)

- inheritance tax, 327
- old-age assistance, 423
- Pension, *see* Old-age assistance
- Permit
 - building, 472-74
 - burial, (222)
 - firearms, (112); to carry, 66
 - liquor, 64
 - miner, (237), 466
 - see also* Certificate; License; specific titles

- Personal property, (30-32)
 - omitted, (31), (32)
 - sale bill, 223
 - tax, (28); receipts, 304
 - taxation, (29), 285
 - see also* Assessment; Taxation

Petition

- appropriation, 38
- assessment adjustment, 290
- bridge, 453
- civil, 135
- common pleas, court of, 137
- condemnation, school building, (22)
- ditch, 138
- drainage, 138
- highway project, (22)
- naturalization, 179
- re-assessment, (35)
- road, 23, 26, 453

Phar, Vicissimus, (11)

Physician

- certificate, (66), 50, 51; drugless, 53
- claim, 442
- license, (112); drugless, 52

Piankashaw Indians, (3)

Pigeon Bridge, (43)

- Planning commission, county, (19), (64), (65), (239)
 - appropriation, 470
 - disbursements, 470

- functions, (239)
- home inspection, 471
- members, (239); appointment, (101), (239)
- minutes, 469
- present, (ix)
- records, 469-75; location, (87), (88)
- Plans, (23)
 - bridge, 452, 457
 - building, 475
 - road, 452
 - see also* Map; specific subjects

Plat

- book, 95; index, 96
- index, 372
- township, (32), (33)
- Vanderburgh County, 371, 458
- see also* Evansville; Map; Vanderburgh County

Plea, criminal, 157

Pleading, civil, 235

Policy, insurance, county property, 15

Political map

- Evansville, 84, 288, 381, 460
- Vanderburgh County, 275, 287, 410

Poll

- book, (73), (211), (212), (214)
- list, (211)
- tax, (27), (28), (58), (59), 303

Poor fund, 352

- claim and allowance, 351
- Poor relief, (42), (43), (71)
 - investigator's report, 353
 - see also* Township, trustee

Post Miami, (2)

- Poultry dealer, (112), 59, 60
- Power of attorney, 118, 182
 - agent, 121, 122

- Praecipe, 170
 Precinct
 committeemen, (208), (209)
 election board, (209),
 (213), (214)
 officials, (215)
 Primary election commis-
 sioners, board of, (19),
 (207-09)
 functions, (72), (209)
 members, appointment,
 (207)
 precinct committeemen,
 (209)
 present, (viii)
 records, 387-89; location,
 (86)
 sample ballot, 387
 see also Election; Election
 commissioners, board of
 Prisoner
 commitment, 272
 jail register, 271
 transportation expense, 345
 Probate causes
 docket, entry, claim and al-
 lowance, 204; judge, 225
 insanity inquest, 236, 237
 judgment, 115
 original documents, 209
 will, 115
 see also Administrator; Es-
 tate; Executor; Guardian;
 Probate court; Will
 Probate court, (28), (134),
 (153-56)
 cashbook, 258
 causes, disposed of, 209, 235
 clerk, (52), (111)
 complete record, 231
 docket, bar, 234; entry,
 233, claim and allowance,
 204; execution, 243; guard-
 ian, 226, index, 227;
 issue, 233; judge, 225,
 239; judgment, 242; ju-
 venile, 252
 execution, 244
 fee book, 204, 226, 233,
 index, 205, 227; civil,
 233; guardian, 226, index,
 227
 insanity inquest, 236, 237
 judge, (19); election, (134);
 present, (vii); term, (134)
 jurisdiction, (51), (52),
 (136), (149), (150)
 juror's time book, 257
 jury service, 256
 juvenile causes, (136),
 (149), (154); adults in-
 volved, 245, 246; boys,
 249; disposed of, 246,
 248, 250, 251; girls, 247,
 248; original documents,
 247, 249-51; pending, 245;
 probation, 248
 minute book, 224
 order book, 228, 240; assign-
 ment, 229; juvenile, 253
 power, (155)
 records, 204-58; location,
 (84)
 see also Probate causes
 Probation cases, 248
 Prosecuting attorney, (19),
 (21), (27), (29), (137),
 (173-76)
 affidavit, 278
 bond, (173)
 criminal causes, index, 280
 docket, case, 279
 duties, (39), (52), (53),
 (137), (174-76)
 election, (51), (173)
 fees, (174)
 oath, (174)
 present, (vii)

Prosecuting attorney (cont.)

- records, 278-80; location, (85)
- term, (173)
- Public debt, (41-43)
- Public health, *see* Health officer
- Public improvements, 348
- Public instruction, *see* School; Schools, superintendent of
- Public library
 - check, cancelled, 321
- Public officials, *see* Officials, county
- Public records, commission of, (75)
- Public welfare, department of, (19), (223-26)
 - board, (69-71); minutes, 417; present, (viii)
 - claim, 440, 441; physician, 442
 - director, (224); present, (viii)
 - duties, (225)
 - orphan asylum, 419
 - receipts, (41)
 - records, 417-44; location, (87)
 - see also* Blind assistance; Dependent children; Old-age assistance
- Publication proof, 2, 23
- Pupil, *see* School
- Purdue University, (240), (241)
- Quiet title, 90; index, 91
- Quietus, auditor, (48), (50), 346, 347, 444
- Quotations, stock market, 284
- Railroad, (15)
- Real estate
 - assessment, (30), (31), (35), 360
- bond, (43); administrator, 214; for deed, 93; guardianship, 216
- deed record, 86; index, 87
- lien, prevention, 109
- mortgage, 100; exemption, (35)
- redemption, 82
- sale, conveyance, purchase, (22)
- tax, (28); receipt, 304; sale, (39)
- transfer, 281, 355; affidavit, 356
- see also* Assessment; Land; Lot; Taxation
- Receipts
 - auditor, 333, 334; register, 335
 - cashbook, clerk of the circuit court, 78-80; coliseum, 33
 - ditch, 312
 - estrays, 76
 - gravel road, 349
 - inheritance tax, 308
 - intangible tax, 309
 - judgment, 82
 - land redemption, 82
 - miners' examination board, 467, 468
 - rent, coliseum, 34
 - support docket, 189
 - tax sale, 366
 - township trustee, 329
 - transfer tax, 308
 - treasurer, (189), 317, 346
 - see also* Cash; Cashbook; Disbursements; Funds
- Receivership, 145
 - assignment, 229
- Recorder, (7), (17), (19), (21), (121-23)

Recorder (cont.)

bond, (121)
 duties, (122)
 election, (121)
 entry and fee book, 85
 fee and cash book, 130
 minute book, chattel mortgage, 101
 present, (viii)
 records, 85-130; location, (84)

Records

destruction and replacement, (74)
 general storage, (88)
 housing, care, and accessibility, (77-89)
 preservation, (73-75)
 system, (74), (75)
see also Vanderburgh County

Redemption

affidavit, *lis pendens*, 174
 certificate, 369
 real estate, 82

Registration officer, (19), (21), (112), (205), (206)
 duties, (72), (206)
 present, (viii)
 records, 382-86; location, (86)

see also Clerk of the circuit court; Election; Voter

Remonstrance

liquor license, 7
 tax levy, 295

Remonstrator, road, 23

Repayment, assistance, 443

Replevin bond, 270

Resignation

official, 73; deputy, 73

Returns

birth, (68)
 contagious disease, 414
 death, (68), 415
 election, (73), (208), 390-92

marriage, (67), 46, 48, 413, 416

Review, board of, (19), (29), (31), (32), (34), (180-82)
 duties, (181)
 members, appointment, (180); oath, 292
 minutes, 289
 present, (viii)
 records, 289-92; location, (85)

Revocation

certificate, corporation, 114
 civil, 135
 welfare, 418

Riley Hospital, (70)

order book, 254

Road, (22), (25), (60), (61), (100), (101), (235)

bid, 13, 17

blueprint, 31, 454

bond, (60), 11, 13, 17

claim, 23

disbursements, 29, 349

equipment, requisition, 463

fund, allotment, (40)

gravel, receipts and disbursements, 349

hearing, 23

lien, (60)

opening, 28

petition, 23, 26, 453

plans, (60), 452

proof of publication, 23

remonstrator, 23

rock, 25

specifications, (60), 27, 453

survey, 445; index, 446

tax, (109)

vacation, 28

viewer, 23; report, 27, 453

see also Highway supervisor

Rock road, construction, 25

- Sailor, *see* Military records.
- Sale. (22)
 bill, 118, 126, 223; guardian, 210, 211
 certificate, *lis pendens*, 173; sheriff, 269
 delinquent tax, (39), (188); deed, 92; register, 365
 estray, 76
 firearms, 67
 intangible tax stamp, 309
 sheriff, 268
 tax, (27)
- Sanity inquest, 236, 237
- Satisfaction
 judgment, 82
 mortgage, 106
- School, (22)
 children, attendance, 407; enumeration, 400; transfers, 409
 enrollment, township trustee's report, 398
 graduates, common, 406
 principal, annual report, 399
 seminary, (14)
 system, (55), (56)
 trustee, report, 396
see also Education, board of;
 School fund; School fund board; Schools, superintendent of; Teacher
- School fund, (14), (41), (43), (55-59), (194)
 inventory, 373
 loan, abstract of title, 299; delinquent payment, 300, 301; mortgage, 99, 298; payment extension, 302; register, 374
 mortgage, 99, 298, 374
see also School; School fund board
- School fund board, (19), (185-87)
 functions, (186)
 members, appointment, (185); qualifications, (185)
 present, (viii)
 records, 298-302; location, (85)
see also School; School fund
- Schools, superintendent of, (19), (21), (217), (218)
 bond, (217)
 duties, (217)
 election, (217)
 present, (viii)
 records, 396-411; location, (86)
 report, (217), 397-99
 term, (217)
see also Education, board of;
 School; Teacher
- Seminary, county, (14)
- Settlement sheet, auditor, 339
- Shawnee Indians, (3)
- Sheriff, (7), (17), (19), (21), (166-68)
 allowance, transportation, 345
 bench warrant, 264
 bond, (166)
 cashbook, (168), 273
 deputy, election, appointment, (21), 394
 docket, civil, 259; criminal, 260; execution, 266; superior court, 261
 duties, (52-54), (102), (109), (137), (150), (156), (167), (168), (211-14)
 election, (51), (166)
 fee book, (168)
 fees, (47); foreign writ, 274
 jail, commitment, 272; register, (168), 271

Sheriff (cont.)

- notice, *lis pendens*, 172
- present, (vii)
- records, 259-75; location, (85)
- sale, 268; certificate, 269; *lis pendens*, 173
- subpoena, 262
- summons, 135, 137, 177
- term, (166)
- warrant, (54), 263
- see also* Writ
- Sire, lien, 110
- Sirkle, George, (99)
- Soldier, *see* Military records
- Soldiers' and sailors' memorial coliseum
- bond, (42), (43)
- cashbook, 33
- directors, board of, minutes, 32
- disbursements, 35
- receipts, 34
- Specifications
 - bridge, 27, 30, 453
 - building, 27
 - Franklin Street Bridge, 30
 - road, 27, 453
- State board of tax commissioners
 - assessor's report, 285
 - warrant, 175
- State funds, (40), (41)
- State highway department
 - bid and bond, 17
- Statement
 - corporation, domestic, 291
 - juvenile causes, 251
 - naturalization, 181
 - tax, 304; delinquent, 314
- Stinchfield, Daniel, (13)
- Stinson, John B., (7), (13)
- Stock mark, 129
- Stock market, quotations, 284
- Subpoena
 - civil, 235
 - coroner, (172)
 - sheriff, 262
- Summons, 177
 - circuit court, 135, 177
 - civil, 235
 - common pleas, court of, 137
 - see also* Writ
- Superior court, (35), (36), (46), (148-51)
 - causes, deposition, 202; disposed of, original documents, 191
 - clerk, (52), (111)
 - docket, bar, 192; entry, 190; execution, 197; issue, 190; judge, 194; judgment, 196; sheriff, 261
 - established, (148)
 - execution, 198
 - fee book, 190, 203
 - judge, (19); election, (148); present, (vii); term, (149)
 - jurisdiction, (51), (52), (136), (149), (150)
 - juror's time book, 201
 - jury service, 200
 - minute book, clerk, 193
 - officers, (150)
 - order book, 195
 - power, (150)
 - records, 190-203; location, (84)
- Support docket
 - circuit court, 189
- Supreme court, opinion, (1), 183
- Surveyor, (19), (21), (231), (232)
 - bond, (231)
 - duties, (61), (231), (232)
 - election, (231)
 - field notes, (232), 447,

Surveyor (cont.)

448, 455, 456
 present, (viii)
 records, 445-60; location,
 (87)
 supervision of ditches,
 (231), (232)
 survey, 445; index, 446
see also Ditch; Drainage

Tavern prices, (10)

Tax adjustment, board of,
 (19), (29), (183)
 functions, (37), (183)
 members, appointment,
 (183); qualifications,
 (183); terms, (183)
 minutes, 293
 present, (viii)
 records, 293-95; location,
 (85)
see also Taxation

Tax commissioners, state
 board of, (28), (29), (32),
 (34-38), (42), (181)

Taxation, (9), (22), (25),
 (27-39), (50)
 budget, (30)
 collection, (30), 305
 delinquent, (39); deed, 368;
 land and lot, 364; sale,
 (188), 365
 dog, 331
 duplicate, (29), (32), (33),
 (38), (188), (194), 303
 error, certificate, 370
 excise, (27-29), (188)
 intangible tax, (29), (41),
 (58), (189), 282, 328
 levy, (30), (36), (38), (42),
 (183), (225), 294; remon-
 strance, 295
 moratorium duplicate, 313
 personal property, 285
 poll, (27), (28), (58), (59),

303

property, (25), (27), (29)
 rates, (36), (194)
 re-assessment, (33-35)
 receipt, sale, 366
 road, (109)
 sale, certificate, 367, 368;
 deed, 92; delinquent, 365
 statement, 304, delinquent,
 314
 transfer, 308
see also Assessment; Inherit-
 ance tax; Land; Lot;
 Personal property; Real
 estate; Tax adjustment,
 board of

Teacher

examination, 403, 404
 institute, attendance, 405
 license, (217), (218)
 qualifications, 401
 statistical report, 408
 success rating, 402
see also Education, board of;
 School; Schools, superin-
 tendent of

Testimony

absent witness, 186, 202

Thompson, Jane, (13)

Time book

juror, circuit court, 167;
 probate court, 257; su-
 perior court, 201

Title

abstract, 299
 quiet, 90; index, 91
 transfer, 86, 89, 281

Topography, (2)

Township, (8)

assessor, (29-33), (178)
 official, bond, 377
 plat, (32), (33)
 poor fund, 352
 poor relief, (71): investi-

Township (cont.)

gator's report, 353
 trustee, (30), (67), (214);
 annual report, 329; bond,
 (195); disbursements, 22,
 329, 330; present, (ix);
 school enrollment, 398
see also Poor relief
 Trained nurse, 57
 Transcript, judgment, 151
 Transfer
 affidavit, 356
 book, auditor, (33), (195),
 355
 civil causes, probate court,
 239
 judgment, 151
 pension award, 424
 tax, 230, 309
 title, cemetery lot, 89; real
 estate, 86, 281, 355
 Treasurer, (19), (21), (25),
 (28), (29), (31), (34), (49),
 (50), (188), (189)
 application to pay, 375
 bond, (188)
 cash balance, 315, 316
 cashbook, (189)
 check, cancelled, 320
 deposit slip, 320
 disbursements, (49), (189),
 317
 duties, (43), (188), (189)
 election, (188)
 financial report, 322, 326
 present, (viii)
 receipts, (49), (189), 317,
 346; estray, 76
 records, 303-23; location,
 (86)
 report, (189)
 tax, collection, (25), (39),
 305; delinquent, (39), 314
 term, (188)
 warrant, cancelled, 354

True bill, 160

Trust

 fees and funds held in, 187
 fund, inventory, 373

Trustee

 school, report, 396
 township, *see* Township,
 trustee

Tuberculosis hospital, 5

 bond, (42), (43)

Turnpike

 superintendent, disburse-
 ments, 29

Turnpike directors, board of,

 (101), (235)
 duties, (101)
 members, (101), (235)
 minutes, 24

Valuation

 assessment equalization,
 (32)
 intangible tax, 282

Vander Burgh, Henry, (5)

Vanderburgh County

 area, (1)
 atlas, 411
 Boehne Hospital, food sup-
 ply, 6
 bond, courthouse and jail,
 (22)
 boundaries, (1), (2), (6)
 bridge contract, 16, 30
 circuit court, first session,
 (10)
 county seat, (6), (7), (18),
 (77)
 courthouse, (62); bond, (42);
 cost, (79), (80), (83);
 description, (77), (80),
 (81), (83); floor plans,
 (76), (78)
 creation, (5), (6), (17)
 drainage, (2)

Vanderburgh County (cont.)

early settlers, (4), (5)
 first, election, (7); ferry
 rates, (10); newspaper,
 (14), (15); officials, (7);
 tavern prices, (10); taxes,
 (9)
 fiscal control, (43)
 flood disaster, (16)
 general administration,
 (21-27)
 governmental organization,
 (16-75); chart, (20);
 origin, (16)
 historical sketch, (1-16)
 industries, (15)
 infirmary, expenditure
 report, 4
 institutions, (13), (14)
 jail, (43), (54), (77),
 (80), (82), (83), (100)
 judicial, powers, (51);
 system, (51-53)
 library, (14)
 manufacturing, (15)
 money substitution, (13)
 officials, present, (vii-ix)
 organization, (5-8)
 planning commission, (19),
 (64), (65)
 plat, 95, 371, 453; index,
 96, 372
 population, (16)
 property insurance, 15
 public, buildings, (59),
 (62), (100); debt, (41-
 43); property, (59), (63),
 (64)
 records and care, (73-75),
 (79-89)
 topography, (2)
 townships, (8)
 transportation, (15)
 Tuberculosis Hospital, 5
see also Evansville; Map;

Officials, county; Plat;
 specific name of official
 or bureau
 Venire facias
 jurors, circuit court, 168;
 probate court, 255; su-
 perior court, 199
 Venue, change of, 169, 343
 Veteran, *see* Military records
 Viewer
 bridge, 16, 27, 453
 building, 27
 fence, (12)
 gravel road, 23
 road, (12), 27, 453
 Vital statistics, (67), (68),
 (222)
 births, 412, 416
 contagious diseases, 414,
 416
 deaths, 415, 416
 marriages, (112), (113),
 46-49, 413, 416
 Viviat, Louis, (3), (4)
 Voter, (206), (208)
 absent, 384, 386
 registration, 382, 383, 385
 see also Election; Registra-
 tion officer
 Wabash-Maumee Canal, (15)
 Wagnon, George, (11)
 Wagnon, William, (7)
 Warrant
 auditor, (46-49), (188),
 (194), (195), 319, 336
 cancelled, 354
 depository, 318
 disbursement, county funds,
 337
 distribution, 340
 income tax, 175
 old-age pension, 338
 redeemed, 337

Warrant (cont.)

sheriff, (54), 263

see also Order; WritWelfare, *see* Blind assistance;

Dependent children; Old-age

assistance; Poor relief;

Public welfare, department

of; Township, trustee

Western Sun & General Advertiser (15)

Will, 206

affidavit, 117

index, 207

judgment, 115

original, 117, 208

uncalled for, 116

see also Administrator; Es-

tate; Executor; Guardian;

Probate causes

Witness

fee, (47), 188, 344

testimony, 196, 202

Wood, Luke, (13)

Writ, 191

arrest, (54)

civil, 135, 235, 259, 267

common pleas, court of, 137

criminal, 157, 260, 267

execution, 198, 244

execution docket, sheriff,

266

foreign, fee, 274

habeas corpus, 158

juvenile causes, 251

mandamus, (26)

miscellaneous, 176

praecipe, 170

subpoena, (172), 235, 262

venire facias, 168, 199,

255

see also Execution; Order;

Sheriff; Summons; Warrant

